

TITLE 17
BUSINESS LICENSE ORDINANCE

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CHAPTER 17-1 GENERAL PROVISIONS

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17-1-101. DEFINITIONS.

The following definitions shall be applicable throughout this Title, unless a different meaning is clearly intended:

(1) "Alcoholic Beverage Licenses" means alcohol sale or consumption licenses as defined in Chapter 2 of this Title.

(2) "Applicant" means any person applying for any license provided for in this Title. If the person is a partnership or corporation, then each partner, officer, or director is considered an applicant and must qualify accordingly.

(3) "Application" means a formal written request for the issuance of any license permitted under this Title.

(4) "Authorized Officers" means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this Title or other applicable regulations, including peace officers, ordinance enforcement officers, and employees of the Health Department, Fire Department, Planning and Zoning Division, Building Inspection Division, City Attorney's Office or the City Manager.

(5) "Building Division" means the Building Division of the West Valley City Community and Economic Development Department.

(6) "Business" means and includes all trades, occupations, professions, or activities engaged in within West Valley City, carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided.

(7) "Business Licensing Division" means the Business Licensing Division of the West Valley City Finance Department.

(8) "Charitable" means for nonprofit benevolent purposes and includes the words patriotic, philanthropic, social service, religious, health, welfare, benevolent, educational, civic, cultural, or fraternal, either actual or purported.

(9) "City," when spelled with a capital "C," means West Valley City.

(10) "City Attorney's Office" means the West Valley City Law Department.

(11) "City Manager" means the chief executive officer of West Valley City.

(12) "City Recorder" means the West Valley City Recorder.

(13) "Consolidated Fee Schedule" means the schedule of fees listed in Chapter 1-2 of the City Code.

(14) "Contributions" means and includes the words alms, money, subscription, property, or any donations under the guise of a loan of money or property.

(15) "Conveyance" includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.

(16) "Director" means the City Treasurer, or the Director of the Business Licensing Division, or the Director's authorized representative.

(17) "Division" means the West Valley City Business License Division.

(18) "Employee" means all individuals who work for an employer for salary or commission or wages and who are subject to the direction and control of such employer.

(19) "Engaging in Business" includes, but is not limited to, the sale of real or personal property at retail or wholesale; the bartering or trading of property or services; the manufacturing of goods or property; and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his/her employer under any contract of personal employment.

(20) "Fire Department" means the West Valley City Fire Department.

(21) "Goods, Wares, or Merchandise" shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, confections, drinks, or food of any kind, whether or not for immediate consumption. This definition also includes tickets or passes for admittance to public recreations, shows, museums, theaters, and other similar public events when such tickets or passes are sold by a person other than the authorized sponsor or organizer of the event.

(22) "Health Department" means the Salt Lake City/County Health Department.

(23) "Hearing Board" shall mean each and every member of the License Hearing Board of West Valley City. (Section 17-3-105 of this Title.)

(24) "Licensee" means the person who has obtained any type of license provided for in this Title. The term shall also include any employee or agent of the licensee.

(25) "Motor Vehicle" means any vehicle used for displaying, storing, or transporting articles for sale by a vendor, which is required to be licensed and registered by the Utah Division of Motor Vehicles.

(26) "Ordinance Enforcement Office" means the Ordinance Enforcement Office of the Ordinance Enforcement and Animal Control Division of the West Valley City Community and Economic Development Department.

(27) "Participant" means a temporary business, not licensed as such, participating in a sales event.

(28) "Peddler" means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale; or offering to perform services in exchange for compensation. "Peddler" also includes any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as part of a scheme to evade the provisions of this Ordinance.

(29) "Peddling" includes all activities ordinarily performed by a peddler, as such term is defined in this Section.

(30) "Person" means an individual, partnership, corporation, association, or other legal entity.

(31) "Place of Business" means each separate location maintained or operated by the licensee, whether or not under the same name, within the City from which business is engaged in.

(32) "Planning and Zoning Division" means the Planning and Zoning Division of the West Valley City Community and Economic Development Department.

(33) "Police Department" means the West Valley City Police Department.

(34) "Public Property" includes all government-owned parks, buildings, and facilities, and government-owned property within street rights-of-way, including any roadways and sidewalks.

(35) "Public Way" means all areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings. "Public Way" also includes areas designated for parking associated with public property.

(36) "Pushcart" means any wheeled vehicle approved by the Business Licensing Division in accordance with this Chapter, designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

(37) "Religious or Charitable Organization" means any organization that can provide written approval from the Internal Revenue Service that the organization has been

granted tax-exempt status under Section 501(c) (3) of the Internal Revenue Code or its successor.

(38) "Sales Event" means an event lasting five days or less where two or more temporary merchants, not more than one of whom is licensed as a temporary merchant, display any goods, wares, or services at a location in the City for the purpose of sale or soliciting orders to be filled in the future for financial gain or profit.

(39) "Sidewalk" means all of that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

(40) "Solicitor" means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future.

(41) "Solicitation" includes all activities ordinarily performed by a solicitor on both private and public property, as such term is defined in this Section.

(42) "Specified Anatomical Areas" means:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(43) "Specified Sexual Activities" means:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, or sodomy; or
- (c) Fondling or other erotic touching of human genitals, pubic region, or female breast.

(44) "Stand" means any showcase, table, bench, rack, handcart, pushcart, stall, or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling, or offering for sale any food, beverages, goods, wares, or merchandise upon a sidewalk.

(45) "Street" means all of that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys, and any other public way.

(46) (a) "Temporary Business" means any business which intends to conduct business at any single place of business for 90 days or less, and whose place of business is located within the building confines of a licensed non-temporary business and:

- (i) Engages in a temporary business of selling and/or delivering goods, wares, or services, or who conducts meetings open to the general public where franchise, distributorships, contracts, or business opportunities are offered to the public; or
- (ii) Sells, offers, or exhibits for sale any goods, wares, or services, franchises, distributorships, contracts, or business

opportunities, during the course of, or any time within six months after, a lecture or public meeting pertaining to such goods, wares, services, franchises, distributorships, contracts, or business opportunities.

(b) "Temporary Business" shall not include the following:

- (i) A person who shall occupy any business establishment for the purpose of conducting a permanent business therein; provided, however, that no person shall be relieved from the provisions of this Title by reason of a temporary association with any local dealer, trader, merchant, or auctioneer, or by conducting such temporary or transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer;
- (ii) Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stock has been acquired from a merchant or merchants of the City regularly licensed and engaged in business; provided, however, no such stock of merchandise shall be augmented by new goods;
- (iii) A person who sells his/her own property that was not acquired for resale, barter, or exchange, and who does not conduct such sales more than twice during any calendar year;
- (iv) Art exhibits, where participating artists sell their original works, and which do not contain any sales(s) of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization;
- (v) Religious or charitable organizations as defined in this Section;
- (vi) Sales of goods, wares, or services at a convention, meeting, or exposition that is not open to or advertised to the general public, to the extent such sales are made to registered members of the sponsoring organization, provided the sponsoring organization or its designated agent delivers to the Director, at least 15 days in advance of such convention, meeting, or exposition, a statement of the organization's qualification for this exemption and a statement of the common interest or category of those who will be attending such convention, meeting, or exposition; and providing all persons selling or purchasing goods,

wares, or services at such convention, meeting, or exposition shall wear or display, in a conspicuous manner, a tag stating the name of the sponsoring organization;

(vii) Home occupations;

(viii) A business that is specifically regulated under this Title, whether or not it is temporary; or

(ix) Any business that requires a conditional use or temporary use permit, whether or not it is temporary.

(47) "Temporary Business Sponsor" means any person who leases or rents a building or portion of a building for the purpose of conducting a sales event with two or more participants.

(48) "Vendor" means any person, traveling by foot, wagon, vehicle, or any other type of conveyance from street to street, carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells, or offers for sale such products while on the public ways of the City. "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, or transient vendor. "Vendor" does not include a door-to-door peddler or solicitor.

(49) "Vehicle" means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

(50) "Violated" or "Violating" means that there exists reasonable cause to believe that any ordinance, code, statute, or law has been or is being violated, and is not limited to pleas of guilty or convictions for violating said ordinances, codes, statutes, or laws.

(Ord. No. 91-10 Amended 06/11/1991; Ord. No. 92-37 Amended 10/28/1992; Ord. No. 97-62 Amended 09/26/1997; Ord. No. 99-38 Amended 07/09/1999; Ord. No. 99-38 Renumbered 07/09/1999)

17-1-102. BUSINESS LICENSE REQUIRED.

(1) Unless otherwise provided, it shall be unlawful for any person to engage in any business within the City without first having obtained a business license pursuant to this Title. A separate license shall be required for each type of business defined herein and for each place of business. Each day of noncompliance shall constitute a separate violation.

(2) In addition to any criminal prosecution or civil proceedings, if any person found violating this Section later applies for a license and if a license is granted, the penalty fees shall be as follows:

(a) Prior to April 1, 1993, penalty fees shall be waived. This Section shall not apply to renewal penalty fees.

(b) Effective April 1, 1993, the penalty fee shall be 100 percent of the license fees for the first year, and the business shall pay an additional penalty for each year or portion of a year in which the business operated without a license. The penalty fee for each year or portion of a year

without a license shall be an amount equal to 125 percent of the current business license fees.

(c) The City Manager may reduce or waive the penalty fees to be paid by a business operating without a license one time per calendar year for a period not to exceed one month, for the purpose of encouraging unlicensed businesses to properly license.

(Ord. No. 93-16 Amended 03/19/1993)

17-1-103. EXEMPTIONS FROM BUSINESS LICENSE REQUIREMENTS.

(1) Unless otherwise provided, any home occupation which grosses less than \$2,000 annually is exempt from the requirements imposed by this Title.

(2) Vegetable and fruit stands which sell produce grown solely on the seller's property which is located in West Valley City shall be exempt from all the requirements imposed by this Title.

(Ord. No. 94-64 Amended 07/27/1994; Ord. No. 99-38 Amended 07/09/1999)

17-1-104. BUSINESS LICENSE DIVISION— DUTIES AND RESPONSIBILITIES.

It shall be the duty and responsibility of the Business Licensing Division to:

- (1) Enforce the provisions of this Title;
- (2) Determine business classifications and applicability of the regulations of this Title;
- (3) Collect all business license fees and all alcoholic beverage license fees;
- (4) Process all applications and renewals of all licenses provided for in this Title;
- (5) Obtain the necessary approvals from the various City departments and divisions before issuing any business licenses or alcoholic beverage licenses; and
- (6) Deny, suspend or revoke licenses as provided in Chapter 3 of this Title.
- (7) Include in the Monthly Operation Report a list of all licenses issued during the month.

(Ord. No. 99-38 Renumbered 07/09/1999; Ord. No. 99-38 Amended 07/09/1999)

17-1-105. BUSINESS LICENSE APPLICATION.

The West Valley City Business Licensing Application shall be in such format and require such information as the License Officer deems necessary to enforce this Title, including but not limited to:

- (1) The name, social security number, date of birth and home address of the person applying for the license;
- (2) The registered name of the business, if applicable;
- (3) The Federal Tax Number of the corporation, if applicable;
- (4) The type of business to be engaged in;
- (5) The class of license desired, if the type of license is divided into classes;
- (6) The location of the place of business;
- (7) A state tax number, if applicable;

- (8) A state contractor's number, if applicable;
- (9) Proof that the business is state licensed or registered, if applicable; and

(10) A space for the applicant or applicant's authorized agent to sign under penalty of law that all the information contained therein is true.

It is a violation of this Title to provide false or misleading information on a business license application.

(Ord. No. 99-38 Amended 07/09/1999)

17-1-106. ISSUANCE OF A BUSINESS LICENSE.

(1) An applicant for a business license shall fill out the application in full and sign it as verification under penalty of law that all information contained therein is true.

(2) The application shall be returned to the Business License Division along with full payment of all business license fees.

(3) The Business License Division shall submit copies to the Planning and Zoning Division, Building Inspection Division, Fire Department and Health Department and, for certain businesses where specifically provided for herein, to the Police Department, for their review, unless a specific provision of this Title requires submission to fewer or additional departments, divisions or agencies than those named.

(4) Only after receiving signed, written approval from each of the entities named in this Section, the Business License Division shall be authorized to prepare a certificate of license for issuance.

(5) The certificate of license shall be signed by the License Officer and the City Treasurer and shall contain the following information:

- (a) The name of the person to whom the certificate is issued;
- (b) The business name;
- (c) The type of business licensed;
- (d) The date the license was issued;
- (e) The expiration date of the license;
- (f) The address of the place of business licensed; and
- (g) The business license number.

(6) If the business is licensed to conduct more than one type of business, as defined herein, the certificate of license shall state each type of business licensed.

17-1-107. RENEWALS OF BUSINESS LICENSES.

(1) Each year, licensees shall renew their business licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true, and returning it, along with the proper fees, to the Business License Division within the time period set forth in Section 17-1-109(2) below. Renewal applications for businesses which require police checks of the licensees shall be submitted to the Police Department for their approval to ascertain whether the licensee still meets the necessary qualifications.

(2) Upon receipt of the application, fees, and Police Department approval, if applicable, the Business License

Division shall be authorized to prepare a certificate of license as provided in this Chapter.

17-1-108. INSPECTIONS.

(1) The Director may designate any division employee as an enforcement official. Authorized officers shall be permitted to make an inspection to enforce any of the provisions of this Title or any other applicable statute or ordinance, and may enter any building or may enter upon any premises during regular business hours; or, if there are no regular business hours, the officers or their authorized representatives shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses to allow the enforcement officers to enter and inspect the property, the officer may obtain and execute a search warrant.

(2) No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the authorized officer or his representative(s) for the purpose of inspection and examination to insure compliance with this Title.

(Ord. No. 99-38 Amended 07/09/1999)

17-1-109. PAYMENT DATES OF BUSINESS LICENSE FEES.

(1) Business license fees for new businesses shall be due and payable upon making application to the Business Licensing Division. The application shall not be processed until the fee is paid.

(2) Business license fees for renewal businesses shall be due and payable on or before the first day of the month in which the license was originally issued. If the license is not paid within a month of the due date, a penalty in the amount of 50 percent of the fee shall be added to the original amount due. If the fee is still not paid within two months of the due date, a penalty in the amount of 75 percent of the fee shall be added to the original amount due. If the fee plus penalty is still not paid within three months, then the business shall be considered to be operating without a business license in violation of this Chapter, subject to criminal prosecution for every day of operation after three months from the due date, and the license fee, if a license is granted thereafter, shall be doubled.

(3) Penalty fees may be appealed to the Finance Director who may, for good cause shown, refund all or part of the applicable penalty fee that has been paid. The decision of the Finance Director may be appealed to the Business License Hearing Board as set forth in Chapter 3 of this Title. The Business License Hearing Board may, upon good cause, recommend that all or part of the penalty fee be refunded.

17-1-110. TERM OF BUSINESS LICENSES.

(1) All business licenses, except temporary interior business licenses, shall expire each year on the first day of the month in which the license was originally issued.

(2) Temporary interior business licenses shall expire on the 90th day from the date the temporary interior business license was issued.

(Ord. No. 92-37 Amended 10/28/1992)

17-1-111. BUSINESS LICENSE FEES.

All business license fees shall be those set forth in the Consolidated Fee Schedule. The total fee required each year for each type of business consists of the base fee plus the variable fees and regulatory fees.

(1) The base fees are categorized in the Consolidated Fee Schedule by type of business. The definition of each type of business and the specific regulations governing them are found in this Title. If a particular type of business is not listed in the Consolidated Fee Schedule, the Director shall determine the category that most closely fits the business.

(2) The variable and regulatory fees for each business, regardless of whether it is defined in this Chapter, are set forth in the Consolidated Fee Schedule.

(Ord. No. 93-21 Amended 07/01/1993; Ord. No. 99-38 Amended 07/09/1999)

17-1-112. EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS.

(1) A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.

(2) Any business exempt from paying the license fee as provided in this Section shall still comply with all other requirements of this Title.

17-1-113. TRANSFER OF LICENSE RESTRICTED.

(1) Business licenses may be transferred to another person for the same location upon the new person making application and being able to qualify for such license under this Title and paying the business license transfer fee as set forth in the Consolidated Fee Schedule.

(2) A Business License may not be transferred to a new location within the City. Each location shall be applied for and all appropriate fees shall be paid for each location.

17-1-114. DISPLAY OF LICENSES.

(1) Every certificate of license for a business shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When the certificate of license has expired, it shall be removed and no certificate of license which is not in force and effect shall be permitted to remain posted within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an

authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.

(2) In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

17-1-115. RECIPROCAL RECOGNITION OF BUSINESS LICENSES.

(1) A business license shall not be required for operation of any vehicle or equipment in this City when:

- (a) Such vehicle is merely passing through the City; or
- (b) Such vehicle is used exclusively in interstate commerce.

(2) A business license shall not be required of any person whose only business activity in this City is the mere delivery in the City of property sold by him at a regular place of business maintained by him outside the City where:

- (a) Such person's business is at the time of such delivery licensed by the Utah city or county in which such place of business is situated; and
- (b) The authority licensing such business grants to licensees of this City making deliveries within its jurisdiction the same privileges, upon substantially the same terms as are granted by this Section; and
- (c) Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this City for compliance with health or sanitary standards prescribed by this City; and
- (d) The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

(3) Except as otherwise provided herein, a business license shall not be required of any person who is duly licensed in another county or another city in Utah, has no business location in the city and the county or other licensing city would also reciprocate if the same business were located in the City.

- (a) Before reciprocity is granted, the person must fill out a business license application and show proof of a valid business license in a qualifying city or county.
- (b) Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards.
- (4) The City Recorder shall, at the request of any person upon payment of copying and postage costs, certify a

copy of this Section to any city or county of the State of Utah.

17-1-116. PENALTY.

(1) Any violations of this Title shall be a Class 'B' misdemeanor.

(2) Where applicable, each day of noncompliance shall constitute a separate violation.

(3) The business owner, and the owner of the property where the business is located, if the property owner is different than the business owner, are both responsible for compliance with this Title, and both may be charged with violations. Nothing in this Section shall limit the right of a property owner to seek any legal remedy from a business owner who causes or allows a violation of this Title on the property.

(4) Unless otherwise provided, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, to seek any civil remedy to enjoin, prevent, or abate the violation, or to seek any other remedy provided. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

(Ord. No. 99-38 Amended 07/09/1999)

17-1-117. CONSTRUCTIVE NOTICE OF TIME PERIODS.

(1) All businesses, owners, licensees, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters set forth in this Title.

(2) Nothing in this Title shall be construed as requiring the City to take any affirmative action to notify businesses, owners, licensees, or applicants of any time periods and/or deadlines or the effect of noncompliance with said time periods and/or deadlines set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters as set forth in this Title.

17-1-118. REPEALED.

(Ord. No. 92-37 Enacted 10/28/1992)

**CHAPTER 17-2
ALCOHOLIC BEVERAGE LICENSES**

Sections:

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- 17-2-118. Prohibition on Issuance of Tavern Beer Licenses.

17-2-101. DEFINITIONS.

(1) **Alcoholic beverages** means and includes "beer" and "liquor," as they are defined herein.

(2) **Beer** means all products that contain 63/100 of 1 percent of alcohol by volume of 1/2 of 1 percent of alcohol by weight, but not more than 4 percent of alcohol by volume of 3.2 percent by weight, and are obtained by fermentation, infusion, or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages or malt coolers.

(3) **A Brew Restaurant License** shall entitle the licensee to sell beer in connection with a bona fide restaurant where the revenue from the sale of beer is less than 30 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant, or for retail carry-out sale in containers holding less than two liters.

(4) **Licensed Premises** means any room, enclosure, building, structure or place occupied by a person licensed to sell and/or permit the consumption of alcoholic beverages on such premises under this Chapter.

(5) **Liquor** means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one-half of one per centum of alcohol by weight; and all mixtures, compounds, or preparations, whether liquid or not, which contain more than one-half of one per centum of alcohol by weight and which are capable

of human consumption; except that the term "liquor" shall not include "beer" as herein defined.

(6) **Nuisance** means any licensed premise where:

- (a) Alcoholic beverages are sold, kept, bartered, stored, given away or used, contrary to the Alcoholic Beverage Control Act of Utah or this Chapter, or where persons resort for drinking beverages, contrary to the Alcoholic Beverage Control Act of Utah, or of this Chapter; or
- (b) Any person is employed or used in the sale or service of alcoholic beverages while the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;
- (c) Any person is employed or used in the service of mingling with the patrons while the person is unclothed or in attire, costume, or clothing described in 6(b) above;
- (d) Any person is encouraged or permitted to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person;
- (e) Any employee or person is permitted to wear or use any device or covering, exposed to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;
- (f) Any person is permitted to use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection (6);
- (g) Any person who is allowed to actually display or simulate the display of pubic-hair, buttocks, vulva, anus, genitalia, or female breasts below a point immediately above the top of the areola; or
- (h) Any films, still pictures, electronic reproductions, or other visual reproductions are shown depicting:
 - (i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts prohibited by Utah law;
 - (ii) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals;
 - (iii) Scenes where artificial devices or inanimate objects are used to depict, or drawings are used to portray, any of the prohibited activities described in this subsection (6); or
 - (iv) Scenes wherein a person displays the vulva or the anus or the genitals.
- (i) Paid or unpaid dancers, performers or entertainers mingle, perform, dance or provide services in violation of this Title of the West Valley City Code; or

- (j) Any violation of the terms of this Chapter or breach of the public peace or morals takes place.

(7) An **Off-Premises Beer Retailer License** shall entitle the licensee to sell beer on the licensed premises in original sealed containers of a size not to exceed two liters, for consumption off the premises.

(8) **Private Club License** shall be deemed to be the license provided for in Chapter 5, Title 32A, UCA as amended, subject to the applicable provisions of the Alcoholic Beverage Control Act. This license also entitles the licensee to sell beer on the licensed premises in containers of a size not to exceed two liters capacity, for consumption on the licensed premises.

(9) A **Recreational Facility Beer License** shall entitle the licensee to sell beer and permit consumption thereof at recreational facilities, excluding public parks. Under this license, no beer shall be sold in the original containers, but must be first emptied into suitable temporary containers. All sales and deliveries under this license shall be made directly to the ultimate consumer. No beer shall be permitted or consumed, except that which is purchased on the licensed premises.

(10) **Restaurant** means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations.

(11) **Restaurant Liquor License** means a Restaurant that holds or will apply for a State liquor license subject to the requirements in the Alcoholic Beverage Control Act.

(12) A **Restaurant On-Premises Beer Retailer License** shall entitle the licensee to sell beer, not to exceed 30 percent of the gross dollar volume from the sale of beer and food for any six-month period during any license year, on the licensed premises, in containers of a size not to exceed two liters, for consumption on the licensed premises. Only restaurants shall be entitled to Restaurant On-Premises Beer Retailer Licenses.

(13) **Sell** or **To Sell** means to solicit, or to receive any order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or to allow to be procured for any other person, and "sale" when so used shall include every act of selling as above defined.

(14) **Small Brewer License** means a licensed Brew Restaurant with or without a liquor license which, in addition to retail sale and on-site consumption in connection with a restaurant, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels per year where revenue from the sale of beer is less than 30 percent of the gross dollar volume, including what is commonly known as a microbrewery.

(15) **State Store** means an outlet for the sale of liquor located on premises owned or leased by the State of Utah.

(16) A **Tavern License** shall be required for all premises where the primary or main business is that of selling

beer for consumption on the licensed premises. The licensee shall be entitled to sell beer in containers of a size not to exceed two liters.

(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002)

17-2-102. ALCOHOLIC BEVERAGE LICENSES REQUIRED.

(1) It shall be unlawful for any person to sell an alcoholic beverage at retail and/or permit the consumption of an alcoholic beverage on any business premises, unless such person is licensed for such sale and/or consumption. A separate license shall be required for each place of business. Each day of noncompliance shall constitute a separate violation.

(2) In addition to any criminal prosecution or civil proceedings, if any person found violating this Section later applies for a license and if a license is granted, the license fee for the first year shall be doubled.

17-2-103. ALCOHOLIC BEVERAGE LICENSE APPLICATIONS.

The West Valley City Alcohol Beverage License Application shall be in such format and require such information as the License Officer deems necessary to enforce this Title, including but not limited to:

- (1) The name, social security number, date of birth and home address for applicant;
- (2) The registered name of the proposed licensed premises;
- (3) The Federal Tax No. of the corporation, if applicable;
- (4) The class of license desired;
- (5) The location of the premises to be licensed;
- (6) Any convictions for crimes which could disqualify the applicant as licensee; and
- (7) A space for the applicant to sign, under penalty of law, certifying that all the information contained therein is true.

17-2-104. ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE.

(1) An applicant for any of the alcoholic beverage licenses shall fill out the application in full and sign it as verification under penalty of law that all information contained therein is true.

(2) All applications for any license defined in this Chapter shall be made pursuant to this Section regardless of whether the application is for a new license, or there is a change of ownership or a change of lessees of an existing licensed premise, or an existing licensee is moving his business to another location in the City.

(3) The application shall be returned to the Business License Division along with full payment of the license fees.

(4) The Business License Division shall submit copies to the Planning and Zoning Division, Building Inspection Division, Fire Department, Health Department and Police Department.

(5) Only after receiving signed, written approval from each of the entities named in this Section shall the License Officer be authorized to prepare a certificate of license for issuance.

(6) The certificate of license shall be signed by the License Officer and the City Treasurer and shall contain the following information:

- (a) The name of the person to whom the certificate is issued;
- (b) The type of license issued;
- (c) The expiration date of the license; and
- (d) The place of business licensed.

(7) All applicants who are beginning a new business shall also comply with all applicable business licensing requirements.

17-2-105. QUALIFICATIONS OF A LICENSEE.

(1) A license shall not be granted to any person unless that person shall be of a good moral character and over the age of twenty-one years, or to anyone who has been convicted of a felony or of any violation of any law or ordinance relating to intoxicating liquors, or of drunken driving, or of keeping a gambling or disorderly house, or any ordinance involving moral turpitude, or who has pleaded guilty to or forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications hereinbefore in this paragraph set out, or to any corporation, any director, or officer of which lacks any of such qualifications.

(2) Even after meeting the requirements provided for in paragraph (1) above, the applicant shall not receive approval of the Police Department if there are any outstanding warrants on the applicant.

(3) In addition, a license shall not be granted to any person who violates any provision of this Chapter or of this Title.

17-2-106. RENEWAL OF LICENSES.

(1) Each year, licensees shall renew their alcoholic beverage licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true and returning it along with the proper fees to the Business License Division within the time period set forth in Section 17-2-107(2) below. Renewal applications shall be submitted to the Police Department for their approval to ascertain whether the licensee still meets the necessary qualifications.

(2) Upon receipt of the application, fees, and Police Department approval, the Business License Division shall be authorized to prepare and issue a certificate of license as provided in this Chapter.

17-2-107. PAYMENT DATES OF LICENSE FEES.

(1) Alcoholic beverage license fees for new licenses shall be due and payable upon making application to the Business License Division. The application shall not be processed until the fee is paid.

(2) Alcoholic beverage license fees for renewal licenses shall be due and payable on or before the annual renewal date. If the fee is not paid, then the business shall be considered to be operating without a license in violation of Section 17-2-102 subject to criminal prosecution for every day of operation on or after the annual renewal date. If a license is not renewed prior to the annual renewal date, as set forth in this Section, and the business applies for an alcohol license on or after the annual renewal date, the application shall be for a new license and the fee shall be doubled. Taverns that have not paid all fees and penalties and completed renewal prior to the annual renewal date shall, pursuant to Section 17-2-118, not be granted a new license under any circumstances whatsoever.

(Ord. No. 02-06 Amended 03/05/2002)

17-2-108. TERM OF ALCOHOLIC BEVERAGE LICENSES.

All alcoholic beverage licenses, no matter when issued, shall expire on the annual renewal date.

(Ord. No. 02-06 Amended 03/05/2002)

17-2-109. ALCOHOLIC BEVERAGE LICENSE FEES.

(1) All alcoholic beverage license fees shall be those set forth in Title 1, Chapter 2, the Consolidated Fee Schedule.

(Ord. No. 02-06 Amended 03/05/2002)

17-2-110. TRANSFER OF LICENSE PROHIBITED.

(1) Alcoholic beverage licenses are not transferable or assignable to any other person. Each person must make application and all fees paid.

(2) Alcoholic beverage licenses are not transferable to a new location. A complete application must be made and all fees paid.

17-2-111. DISPLAY OF LICENSES.

Every certificate of license issued pursuant to this Chapter shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business next to the certificate of business license so that the same may be easily seen. When the certificate of license has expired, it shall be removed and no certificate of license which is not in force and effect shall be permitted to remain posted within the place of business.

17-2-112. INTOXICATED PERSONS.

(1) It shall be unlawful and shall constitute a strict liability offense for any person to sell alcoholic beverages to any intoxicated person or to any person under the influence of any intoxicating beverage or drug, or to allow any intoxicated person to consume an alcoholic beverage on the licensed premises.

(2) It shall be unlawful and shall constitute a strict liability offense for any licensee to allow intoxicated persons to remain in or about the licensed premises.

17-2-113. NUISANCE.

It shall be unlawful for any licensee to keep or maintain a nuisance on the licensed premises.

17-2-114. LIGHTING AND VIEW REQUIREMENTS.

It shall be unlawful for any licensee to own, operate or manage any premises licensed for the sale and/or consumption of alcoholic beverages without complying with the following lighting and view requirements:

(1) During business hours, a minimum of one candle power light measured at a level five feet above the floor shall be maintained.

(2) Enclosed booths, blinds or stalls shall not be erected or maintained.

(3) A clear, unobstructed view of all portions of the interior of any room shall be available at all times from a point within the licensed premises at or near the main entrance to each such room.

17-2-115. SALE AND CONSUMPTION HOURS.

It shall be unlawful for any licensee to sell, offer to sell, furnish, supply or permit the consumption of alcoholic beverages on any licensed premises during the times and hours set forth below.

(1) Off-Premises Beer Retailers shall not sell, offer to sell, furnish or supply beer between the hours of 1:00 a.m. and 7:00 a.m. of any day.

(2) Restaurant On-Premises Beer Retailers, Taverns and Recreational Facility Beer Outlets, Brew Restaurants, and Small Brewers shall not sell, offer to sell, furnish, supply or permit the consumption of beer between the hours of 1:00 a.m. and 10:00 a.m. of any day.

(3) Restaurants, Brew Restaurants, and Small Brewers which have liquor licenses shall not sell, offer to sell, furnish, supply or permit the consumption of liquor after 12:00 midnight and before 12:00 noon; or on the day of any State or national election, municipal, special district or school election but only within the boundaries of the municipality, special district and school district until after the time when the polls are closed.

(4) Private clubs shall not sell, offer to sell, furnish, supply or permit the consumption of liquor on Sundays; on any other day between the hours of 1:00 a.m. and 10:00 a.m.; or on the day of any State, municipal, special district or school election but only within the boundaries of the municipality, special district and school district or national election until after the time when the polls are closed.

Unless otherwise prohibited by law, licensed premises may remain open during all hours, provided that alcoholic beverages are not sold, offered for sale, furnished, supplied or consumed during the prohibited hours specified above.

(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002)

17-2-116. REGULATIONS RELATING TO MINORS.

(1) It shall be unlawful and shall constitute a strict liability offense for any person to sell any alcoholic beverage to any minor or allow any minor to consume any alcoholic beverage on a premises licensed for the consumption thereon of such beverage. Upon a licensee's conviction for selling or furnishing an alcoholic beverage to a minor or allowing the consumption of an alcoholic beverage by a minor, such license shall be revoked or suspended for a minimum of 30 days.

(2) It shall be unlawful for any minor to purchase, accept, consume, or have in his or her possession any alcoholic beverage, provided, however, that this subparagraph shall not apply to the acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person or to the administering of such alcoholic beverage by a physician in accordance with the law; provided further, that the provisions of this paragraph prohibiting possession of beer shall not apply to minors who are bona fide employees in Off-Premises Beer Retailer licensed premises while in the discharge of their employment therein or thereabouts.

(3) It shall be unlawful and shall constitute an offense of strict liability for any Tavern licensee to employ or use the services of any minor in the licensed premises or for any other licensee to employ or use the services of any minor in or on that portion of any licensed premises, during business hours which are primarily designed, intended, and used for the sale and serving of alcoholic beverages for consumption on the premises. Minors may be employed by Restaurant On-Premises Beer Retailer, Brew Restaurant, Small Brewer or Private Club licensees or nonprofit club licensees as entertainers, kitchen staff, bus boys, waiters, waitresses, and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale, consumption or manufacture of alcoholic beverages in the performance of employment duties on the portions of the premises primarily intended for cooking the meals or for dining. The physical structure of the premises shall be such that no minor employee shall enter the portion of the premises primarily intended for the sale, consumption or manufacture of alcoholic beverages in the performance of employment duties and such entry by a minor employee is hereby prohibited. This Section shall not be construed to allow any minor on that portion of the Restaurant On-Premise Beer Retailer, Brew Restaurant, Small Brewer or Private Club intended primarily for the sale, consumption or manufacture of alcoholic beverages for any reason whatsoever.

(4) It shall be unlawful and shall constitute an offense of strict liability for any licensee to permit a minor to enter and remain on the licensed premises or any portion thereof which is intended for the consumption, sale or manufacture of alcoholic beverages. This Section shall not be construed to prohibit minors from eating meals in a restaurant, Brew Restaurant or Small Brewer or private club on that portion of the premises which is primarily intended for the serving of

meals. Any portion of a private club which is primarily intended for the serving of meals and which shall admit minors as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for the consumption and sale of alcoholic beverages. Restaurants, Brew Restaurants and Small Brewers which have portions of the premises intended primarily for the consumption and sale of alcoholic beverages shall also have the signs and barriers described above. Should minors be admitted, entrance to and exit from the dining areas shall be by route other than through that portion of the premises primarily intended for consumption and sale of alcoholic beverages.

(5) Before selling any alcoholic beverage to a person or permitting a person to enter any licensed premise or portion thereof where a minor is prohibited, all licensees shall ascertain the age of the person by requiring the person to present a valid driver's license or other form of identification containing a picture of the person, his date of birth, height, weight, and color of hair and eyes.

(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002)

17-2-117. MAINTENANCE OF RECORDS BY RESTAURANT ON-PREMISES BEER RETAILER, BREW RESTAURANT, AND SMALL BREWER LICENSEES.

All holders of a Restaurant On-Premises Beer Retailer, Brew Restaurant, or Small Brewer licenses shall maintain records which shall disclose the gross sales of beer and food purchases for the restaurant from all suppliers during the license year. Such records shall be available for inspection and audit by the City at any time during normal business hours after giving reasonable notice and shall be maintained for two years following the expiration of the Restaurant On-Premises Beer Retailer, Brew Restaurant, or Small Brewer license each year. Failure to properly maintain such records for such inspection and audit shall be cause for the suspension or revocation of the Restaurant On-Premises Beer Retailer license. If any audit or inspection discloses that the sale of beer on the licensed premises is in excess of 30 percent of the gross dollar volume from the sale of beer and food for any six-month period during any license year, the Restaurant On-Premises Beer Retailer, Brew Restaurant or Small Brewer license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future the sale of beer on the licensed premises will not exceed 30 percent of the gross dollar volume from the sale of beer and food.

(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002)

17-2-118. PROHIBITION ON ISSUANCE OF TAVERN BEER LICENSES.

(1) On and after July 1, 1982, the City shall not issue any new Tavern Licenses. The City may only renew existing

Tavern licenses, permit a change of licensees at licensed premises existing as of the effective date of this Ordinance and permit Tavern licensed premises to move to new locations if the license fees are paid and the new location meets the requirements of this Chapter and other applicable provisions of the West Valley City Municipal Code. Any Tavern licensed premises whose license is revoked or not renewed, for whatever reason, shall not be entitled to obtain a new Tavern license.

(2) Notwithstanding the fact that a lessee of a Tavern licensed premises is the licensee, for purposes of this Section, the Tavern license shall remain with the premises and only the owner of the premises may move the license to a new location, pursuant to this Chapter.

(Ord. No. 02-06 Amended 03/05/2002)

CHAPTER 17-3
DENIAL, SUSPENSION OR REVOCATION OF A
LICENSE

Sections:

- 17-3-101. Denial of a Business License or Alcoholic Beverage License.
- 17-3-102. Reasons for Suspension or Revocation.
- 17-3-103. Enforcement.
- 17-3-104. Procedure for Suspension or Revocation.
- 17-3-105. License Hearing Board.
- 17-3-106. Appeal Procedure.
- 17-3-107. Hearing.
- 17-3-108. Decision of the Hearing Board.
- 17-3-109. Appeal of Hearing Board Decision.
- 17-3-110. Licensing After Revocation.
- 17-3-111. Validity of Business License or Alcoholic Beverage License During Appeal.
- 17-3-112. Business Owner Responsible for Concessionaire.

17-3-101. DENIAL OF A BUSINESS LICENSE OR ALCOHOLIC BEVERAGE LICENSE.

After a person has made application to the City for a business license or alcoholic beverage license, the application may be denied for any of the following reasons:

- (1) The applicant does not meet the qualifications for a licensee as provided under this Title.
- (2) For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a business license renewal application, nonpayment of the required license fees plus penalty three months after it is due.
- (3) One of the reviewing departments or divisions of the City provided for in this Title has disapproved the application pursuant to any applicable provision of the City Code.
- (4) False or incomplete information given on the application.
- (5) Noncompliance with any requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit or by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception.
- (6) Noncompliance with any city, state or federal statutes or any Health Department regulations governing the applicant's proposed business.
- (7) Any other reason expressly provided for in this Title.

(Ord. No. 02-06 Amended 03/05/2002)

17-3-102. REASONS FOR SUSPENSION OR REVOCATION.

An existing business license or alcoholic beverage license may be suspended or revoked for any of the following reasons:

- (1) The licensee does not now meet the qualifications for a licensee as provided under this Title;
- (2) False or incomplete information given on an application;
- (3) The licensee has violated or is violating any provision of this Title or provision of the City Code, state or federal statutes or regulations governing the licensee's business.
- (4) The licensee has obtained or aided another person to obtain a license by fraud or deceit;
- (5) The licensee has failed to pay property taxes, the utility tax or sales tax;
- (6) The licensee has refused authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of his duty in making such inspection;
- (7) The licensee is not complying with a requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit; by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception; by the City Council; or by agreement;
- (8) Violation of this Title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee; or
- (9) Any other reason expressly provided for in this Title.

17-3-103. ENFORCEMENT.

- (1) The License Officer shall have the authority, without a hearing, to deny a license for the reasons provided for in this Chapter.
- (2) The License Officer shall have the authority to suspend or revoke a license without a hearing, for reasons provided for in this Chapter. However, the suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Chapter below has passed.
- (3) The License Officer may, on his or her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this Title or other circumstances which may give rise to a denial, suspension or revocation.

17-3-104. PROCEDURE FOR SUSPENSION OR REVOCATION.

The License Officer shall cause written notice to be given by personal service or registered mail to the licensee of his or her decision to suspend or revoke a license, the reason for such decision, that operation of a business after the effective date of the suspension or revocation is a Class "B" misdemeanor, the licensee's right to appeal the License Officer's decision and have a hearing, and the appeal procedure.

17-3-105. LICENSE HEARING BOARD.

There is hereby created the License Hearing Board of West Valley City consisting of three members appointed by the City Manager with the advice and consent of the City Council. Two members of the Board, one of whom must be a West Valley City employee, shall both be residents of West Valley City and the third member, who need not be a West Valley City resident, shall be a holder of or have a substantial interest in a current West Valley City business license. Board members shall be appointed for three-year terms or until their successors are appointed and shall serve without compensation. Initially, appointments shall be made for one, two and three-year terms. Annually, thereafter, the City Manager shall, with the advice and consent of the City Council, appoint for three-year terms, Board members to take the place of retiring Board members. Vacancies in the Board caused by removals, resignations or otherwise, shall be filled for the unexpired term in the same manner as original appointments. The License Hearing Board shall have authority to hear evidence in business license matters referred to the Board and, after such hearing, shall submit its recommendations in writing to the Office of the City Manager. Nothing herein shall prevent the City Manager from serving as a member of the Board. The City Manager shall designate one member of the Board to be Chairman and one member of the Board to be Vice-Chairman for a period of one year.

17-3-106. APPEAL PROCEDURE.

(1) Appeals of a License Officer's decision to deny, suspend or revoke a license may be made by filing a written notice of appeal with the City Recorder within 15 days of receipt of the notice of denial, suspension or revocation.

(2) The notice of appeal shall be in writing and shall set forth with specificity the reasons for which the appeal is taken.

(Ord. No. 05-48 Amended 11/01/2005)

17-3-107. HEARING.

(1) The hearing shall be at a time, place, and day set by the Hearing Board. The hearing shall be scheduled no later than four working days after receipt of the notice of appeal and shall occur within sixteen working days after receipt of the notice of appeal.

(2) At the hearing, the Hearing Board or representative from the City Attorney's Office shall present the reasons for the decision to deny, suspend or revoke the license.

(3) The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reason why the decision was in error.

(4) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront and cross-examine any witnesses.

(5) Any oral or documental evidence may be received, but the Hearing Board shall exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.

(6) If the denial, suspension, or revocation appealed from is based on a finding by the Building Division, Planning and Zoning Division, Fire Department, Health Department, or Police Department that the business was or would be in violation of their applicable ordinances or regulations, then that finding shall be conclusive on the Hearing Board, and the Board's decision may be based only on whether the license was properly denied, suspended, or revoked because of the Building Division's, Planning and Zoning Division's, Fire Department's, Health Department's, or Police Department's finding.

(7) If the appeal is based on a decision by the Police Department to deny, suspend, or revoke a police I.D. card pursuant to Section 17-5-108, the factual determinations of the Police Department shall be conclusive, and the License Hearing Board shall:

- (a) Uphold the decision if the Hearing Board finds that the Police Department acted properly to deny, suspend, or revoke the police I.D. card based on the factual determinations made by the Police Department;
- (b) Reverse the decision if the Hearing Board finds that the Police Department did not act properly to deny, suspend, or revoke the police I.D. card based on the factual determinations of the Police Department; or
- (c) Uphold the decision if the Hearing Board finds that the Police Department acted properly to deny, suspend, or revoke the police I.D. card based on the factual determinations of the Police Department, but hold the decision in abeyance for one year on the basis of mitigating circumstances. Such mitigating circumstances may include, but shall not be limited to, the following:
 - (i) The impact of the decision on the cardholder's employment possibilities or career, relative to the severity of the reason the I.D. card was denied; or
 - (ii) The cardholder's completion, or willingness to complete, job skills training related to the cardholder's position, or approved counseling related to the violation, not including court-ordered counseling.
- (d) If the decision of the Police Department is held in abeyance by the Hearing Board, any action by the applicant that would cause the Police Department to deny, suspend, or revoke the I.D. card pursuant to Section 17-5-108 shall immediately reinstate the original decision of the Police Department, and the applicant's I.D. card shall be automatically denied, suspended, or revoked, as the case may be.
- (e) If the applicant appeals the decision of the Police Department regarding the I.D. card

based on a dispute of the Department's factual findings, the applicant must request a review of the decision by the Police Department. The request shall include a statement explaining which facts are disputed, and proof that the Police Department's decision was in error. The Police Department shall respond to the applicant's request within 30 days. The response shall uphold the decision and include proof supporting the Police Department's findings, or modify the decision based on a review of the application.

(8) If the denial, suspension, or revocation appealed from is based on a determination by the Business License Officer that grounds existed pursuant to this Code, the Hearing Board may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the Business License Officer.

(9) The License Hearing Board does not have the authority to waive compliance with applicable provisions of the Business License ordinances, nor can the Hearing Board extend deadlines set forth in the ordinances or change the substance or form of the ordinances.

(Ord. No. 96-39 Amended 06/21/1996; Ord. No. 05-48 Amended 11/01/2005)

17-3-108. DECISION OF THE HEARING BOARD.

The Hearing Board, after hearing all the evidence, shall announce its decision within seven working days from the date of hearing. The Hearing Board may affirm or reverse the decision of the Business License Officer. The decision shall be in writing and shall be based only upon findings of fact. The Hearing Board may designate that the prevailing party draft the Findings of Fact and Order. If the prevailing party drafts the Findings of Fact and Order, the opposing party shall have five days from the date the draft is submitted within which to file objections to the draft. Upon resolution of all objections to the draft, the Hearing Board shall release the Findings of Fact and Order.

(Ord. No. 05-48 Amended 11/01/2005)

17-3-109. APPEAL OF HEARING BOARD DECISION.

Any decision of the License Hearing Board may be appealed by the applicant, licensee, or City to the District Court within 30 days from when the written decision is made.

17-3-110. LICENSING AFTER REVOCATION.

A person, whose license has been revoked, may not be issued a license for a period of 12 months after the revocation.

17-3-111. VALIDITY OF BUSINESS LICENSE OR ALCOHOLIC BEVERAGE LICENSE DURING APPEAL.

Throughout the appeal process as outlined above, a licensee holding a suspended or revoked business or

alcoholic beverage license may continue to operate his or her business in accordance with federal, state and local laws pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

17-3-112. BUSINESS OWNER RESPONSIBLE FOR CONCESSIONAIRE.

For purposes of business or premises' owners who contract out the sale of alcoholic beverages on the business premises to an independent concessionaire, violation by said concessionaire of any provision of this Title shall constitute grounds for suspension and/or revocation of the license of said business or premises owner.

**CHAPTER 17-4
BASE FEES AND BONDING**

Sections:

- 17-4-101. Definitions.
- 17-4-102. Bonds Required for Certain Businesses.
- 17-4-103. Cigarette Vending Machine Sale to Minors.
- 17-4-104. Home Occupation.

17-4-101. DEFINITIONS.

(1) **Coupon Seller** means a person who sells coupons, detachable parts of tickets, advertisements or other certificates entitling the bearer to certain stated benefits, such as a cash refund, gift or discount.

(2) **Exterminator, Fumigator or Pest Control Operator** means any person who uses any toxic, noxious, poisonous or dangerous substance, either gaseous, liquid or otherwise, specified by the Health Department as liable to affect human beings by causing sickness or death and used for the extermination of household insects, vermin or rodents.

(3) **Food Refrigeration Storage Units** means and includes any establishment wherein compartments are rented, leased or made available to any party other than the owner of the establishment for the refrigerated storage of food.

(4) **House Mover** means any person that moves houses, including raising or shoring.

17-4-102. BONDS REQUIRED FOR CERTAIN BUSINESSES.

The following businesses shall be required to post a bond, in an amount as indicated below, with a corporate surety authorized to do business in the State of Utah, conditioned to indemnify the City or any individual for any loss, damage or expense occasioned by any act or failure to act of the licensee, or by any failure of the licensee to comply with the laws of the City, the Health Department or the State:

- (1) Carpet cleaner: \$1,000
- (2) Coupon seller: \$15,000
- (3) Drapery cleaner: \$1,000
- (4) Exterminator, Fumigator or Pest Control Operator: \$1,000
- (5) Food refrigeration storage unit: \$1,000
- (6) Furniture cleaner: \$1,000
- (7) House Mover: \$1,000
- (8) Roofer: \$1,000

17-4-103. CIGARETTE VENDING MACHINE SALE TO MINORS.

It shall be unlawful for any person to maintain a cigarette vending machine in a location where the same is used or accessible by minors under the age of 19 years.

17-4-104. HOME OCCUPATION.

(1) If a home occupation grosses less than \$1,000 per year, it shall be exempt from all requirements of this Title.

(2) If a home occupation grosses from \$1,000 to \$10,000 per year, it shall pay the business license fee for a

"home occupation less than \$10,000," as set forth in the Consolidated Fee Schedule. A licensee coming under this provision shall sign an affidavit stating that the business grosses less than \$10,000 per year. Signing an affidavit, knowing it not to be true, shall be grounds for denial or revocation of the license.

(3) If a home occupation grosses over \$10,000 per year, it shall pay the business license fee for a "home occupation over \$10,000, as set forth in the Consolidated Fee Schedule.

**CHAPTER 17-5
EMPLOYEES OF ALCOHOL ESTABLISHMENTS**

Sections:

- 17-5-101. Definitions.
- 17-5-102. Police I.D. Card Required.
- 17-5-103. Procedure for Obtaining Employee Police I.D. Card.
- 17-5-104. Cards Required.
- 17-5-105. Duty to Display Card on Request.
- 17-5-106. Business License Required.
- 17-5-107. Place of Performance for Tavern Dancers.
- 17-5-108. Grounds for denial, suspension or revocation of an employee's police I.D. card or a business license.
- 17-5-109. Prohibited Acts by Employees of Alcohol Establishments.
- 17-5-110. Enforcement.
- 17-5-111. Procedure for Denial, Suspension or Revocation.
- 17-5-112. Hearing and Appeal Procedure.
- 17-5-113. Booking Agent Liable for Acts of a Tavern Dancer.

17-5-101. DEFINITIONS.

(1) **Alcohol Establishment** means a Restaurant On-Premises Beer Retailer, Tavern, Recreational Facility Beer Outlet, Brew Restaurant, Small Brewer, or Private Club as defined in Chapter 2 of this Title.

(2) **Band** means any paid or unpaid musical group which entertains patrons of alcohol establishments.

(3) **Booking Agent** is any person furnishing booking or employment services for a tavern dancer, band or other entertainers.

(4) **Division Commander** means the Administrative Services Commander of the West Valley City Police Department.

(5) **Employees of Alcohol Establishments** means all paid and unpaid persons performing or providing services as waitresses, barmaids, doormen, bartenders, parking attendants, persons checking I.D., tavern dancers, bands or other entertainers, or any other service or function in an alcohol establishment. For Restaurant On-Premises Beer Retailers and Recreational Facility Beer Outlets, the term "employee(s)" shall include only those persons who work in the portion of the premises primarily intended for the sale and/or consumption of alcoholic beverages. For non-sales alcoholic beverage licensed premises, the term "employee(s)" shall include only those paid employees of the licensee directly involved in the distribution, serving or handling of alcoholic beverages.

(6) **Entertainer** means any band or any paid or unpaid person who conducts any type of performance before the patrons of an alcohol establishment. For purposes of this Chapter "entertainer" does not include a tavern dancer.

(7) **Mingling** means the circulating, mixing or contact or close, face-to-face conversation between tavern dancers and patrons of the alcohol establishment or Private Club.

(8) **Tavern Dancer** means any person, paid or unpaid, who entertains or performs before patrons of alcohol establishments through use of movement of their body, including but not limited to, dancers, strippers, mud wrestlers and participants in a wet t-shirt or wet underwear contest.

(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002)

17-5-102. POLICE I.D. CARD REQUIRED.

It shall be unlawful for any person to be an employee of an alcohol establishment without first acquiring a police I.D. card therefore pursuant to the requirements of this Chapter. Each day of noncompliance shall constitute a separate violation.

17-5-103. PROCEDURE FOR OBTAINING EMPLOYEE POLICE I.D. CARD.

(1) Prior to performing or providing services as an employee for an alcohol establishment, the applicant shall submit a signed police I.D. card application to the Police Department along with the police I.D. fee, as set forth in the Consolidated Fee Schedule. The applicant shall submit to being photographed and fingerprinted.

(2) All applicants shall furnish satisfactory proof of his or her age.

17-5-104. CARDS REQUIRED.

All employees of alcohol establishments shall have in their possession a valid police I.D. card, which card is not transferable and shall not commence work in any alcohol establishments prior to receiving said card based on the application required in this Chapter. A receipt for payment of the police I.D. fee required by this Chapter shall not constitute a valid police I.D. card.

17-5-105. DUTY TO DISPLAY CARD ON REQUEST.

Should a police I.D. card be granted, the grantee shall carry the card in his or her possession, and any authorized official shall have the right to inspect the police I.D. card. The police I.D. card shall contain the name, address, and date of birth of the employee, the expiration date of the card and the name of the booking agent, if applicable.

17-5-106. BUSINESS LICENSE REQUIRED.

(1) Each booking agent shall obtain a business license and pay the license fee set forth in the Consolidated Fee Schedule.

(2) Each tavern dancer shall obtain a business license and pay the license fee as set forth in the Consolidated Fee Schedule in addition to obtaining a police I.D. card as provided in this chapter. This includes all tavern dancers regardless of whether they are independent, represented by a booking agent, or an employee of the alcohol establishment.

17-5-107. PLACE OF PERFORMANCE FOR TAVERN DANCERS.

Tavern dancers shall perform only on a stage, platform or dance floor that has a barrier between the tavern dancer and patrons where no tavern dancer is closer than arm's length from a naturally positioned patron.

17-5-108. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF AN EMPLOYEE'S POLICE I.D. CARD OR A BUSINESS LICENSE.

In addition to the reasons set forth in Chapter 3 of this Title, the City may deny, suspend or revoke a police I.D. card and license, if applicable, if the applicant or licensee:

- (1) Has violated any provision of this Title;
- (2) Has been convicted of any felony or has completed serving a sentence for any felony conviction (whichever is most recent) within three years, or a misdemeanor within the last two years involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor, or any criminal act which might relate to the employment of the applicant;
- (3) Has procured, attempted to procure, or agreed to procure, for any person:
 - (a) A controlled substance, as defined in U.C.A. 58-37-1, et seq., 1953 as amended; or
 - (b) Another person for the purpose of sexual intercourse or any other immoral act;
- (4) If an employee has attempted to solicit or has solicited a patron to consume alcoholic beverages;
- (5) Has utilized his or her license for the purpose of obtaining credit or as identification for cashing checks.

17-5-109. PROHIBITED ACTS BY EMPLOYEES OF ALCOHOL ESTABLISHMENTS.

The following acts committed by an employee of an alcohol establishment shall be unlawful and shall be grounds for the suspension or revocation of the employee's police I.D. card and license, if applicable:

- (1) The performance or simulation of sexual intercourse, masturbation, oral copulation, anal copulation, bestiality, flagellation, or any sexual acts prohibited by law.
- (2) The simulation or actual touching, caressing or fondling by the employee of the employee's own breasts, buttocks, anus or genitalia or the breasts, buttocks, anus or genitalia of another employee or of a patron of the alcohol establishment.
- (3) Permitting a patron of the alcohol establishment or another employee to touch, caress or fondle the employee's breasts, buttocks, anus or genitalia, or simulate any such action.
- (4) The display or simulation of the display of pubic hair, buttocks, genitalia, or female breast below a point immediately above the top of the areola.
- (5) Mingling, as defined in this Chapter, unless the dancer is fully clothed or fully opaquely robed from the top of the breast to the knee.

(6) The use of any controlled substance or the consumption of any alcoholic beverage or being under the influence of any controlled substance or alcoholic beverage while performing or providing services as an employee for any alcohol establishment.

(7) The conduct of any of the specific acts defined as a nuisance as listed in 17-2-101(6).

(Ord. No. 02-06 Amended 03/05/2002)

17-5-110. ENFORCEMENT.

(1) The Division Commander shall have the authority, without a hearing, to deny a police I.D. card for the reasons provided in this Chapter.

In the case of denial for submission of false or incomplete information on an I.D. card application, the Division Commander may impose a reapplication waiting period of up to 90 days in lieu of denial if the incomplete or false information causing the denial is not related to an alcohol offense. The imposition of a reapplication waiting period may be appealed to the License Hearing Board pursuant to Section 17-5-112.

(2) The Division Commander shall have the authority, without a hearing, to suspend or revoke a police I.D. card for the reasons provided in this Chapter. However, the suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Chapter has passed, or until all appeals properly initiated have been resolved, whichever occurs first.

(3) The Division Commander may, on his or her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this Title or other circumstances which may give rise to a denial, suspension or revocation.

(Ord. No. 96-39 Amended 06/21/1996)

17-5-111. PROCEDURE FOR DENIAL, SUSPENSION OR REVOCATION.

The Division Commander shall cause written notice to be given by personal service or registered mail to the police I.D. cardholder of the following: his or her decision to deny, suspend or revoke a police I.D. card; the reason for such decision; that performing or providing services after the effective date of the suspension or revocation constitutes a Class "B" misdemeanor, or if, in the case of a denial, performing or providing services without a valid police I.D. card constitutes a Class "B" misdemeanor; the police I.D. card applicant's right to appeal the Division Commander's decision; the appeal procedure.

17-5-112. HEARING AND APPEAL PROCEDURE.

The procedure for hearing an appeal of the Division Commander's decision shall be made in accordance with Sections 17-3-105 through 17-3-110 of this Title.

**17-5-113. BOOKING AGENT LIABLE FOR ACTS
OF A TAVERN DANCER.**

The suspension or revocation of the police I.D. card and/or business license of two or more tavern dancers, working under the same booking agent, within any 12-month period shall result in the revocation of the business license of said booking agent.

CHAPTER 17-6 SWAP MEETS

Sections:

- 17-6-101. Definitions.
- 17-6-102. One-day Swap Meet License.
- 17-6-103. Sale of obscene materials, drug paraphernalia, or sale of sex paraphernalia to minors prohibited.
- 17-6-104. Pawnbrokers and Secondhand Dealers.
- 17-6-105. Enforcement.
- 17-6-106. Qualifications of Licensees and Sellers.

17-6-101. DEFINITIONS.

(1) **One-Day Swap Meet Seller** means a business license issued for a specific twelve-hour period by a swap meet business licensee on behalf of the City.

(2) **Swap meet** means property where the owner or lessee rents, lends or leases the premises to persons for use as a market place to barter, exchange or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

17-6-102. ONE-DAY SWAP MEET LICENSE.

(1) It shall be unlawful for any person to barter, exchange, or sell goods at a swap meet without first having obtained a business license pursuant to this Chapter.

(2) The applicant shall fill out a One-Day Swap Meet License Application in full, which shall be supplied to him by the swap meet licensee. The application shall be completed each day before the applicant conducts business at the swap meet. The applications shall be turned in by the swap meet licensee to the police department the same day as the swap meet.

(3) The fee for a One-Day Swap Meet License shall be that set forth in the Consolidated Fee Schedule.

(4) The fees shall be accounted for on a monthly basis and remitted to the City on or before the 10th day of the following month.

(5) The One-Day Swap Meet License applications shall be printed by the swap meet licensee according to the format approved by the City.

17-6-103. SALE OF OBSCENE MATERIALS, DRUG PARAPHERNALIA, OR SALE OF SEX PARAPHERNALIA TO MINORS PROHIBITED.

(1) It shall be unlawful to sell or exhibit any obscene or pornographic materials at a swap meet in violation of any provision of the West Valley City Code. The swap meet licensee shall enforce this provision and may be prosecuted for any violation under West Valley City Code.

(2) It shall be unlawful to sell any drug paraphernalia at a swap meet, in violation of Sections 76-11-201, et seq., West Valley City Code.

(3) It shall be unlawful to sell any sex paraphernalia to minors at a swap meet in violation of Sections 76-16-101, et seq., West Valley City Code.

17-6-104. PAWNBROKERS AND SECONDHAND DEALERS.

A swap meet license or one-day licensee shall not conduct the business of pawnbroker or secondhand dealer without having obtained the licenses required for such businesses as provided in this Title in addition to the licenses required under this Chapter.

17-6-105. ENFORCEMENT.

Uniformed Category I peace officers shall be hired by the swap meet licensee to be present at each swap meet to insure that the provisions of this Chapter are complied with and that other applicable City ordinances and State statutes are not violated. The number of officers required shall be as follows:

(1) One officer shall be required for all swap meets with 25 or less one-day licensees.

(2) Two officers shall be required for all swap meets with more than 25 but less than 100 one-day licensees.

(3) One additional officer shall be required for each 100 daily licensees above the first 100.

17-6-106. QUALIFICATIONS OF LICENSEES AND SELLERS.

A business license or a one-day license shall be denied, suspended or revoked where the applicant, licensee, one-day licensee, or manager or operator of the swap meet:

(1) Is not 18 years or older; or

(2) Is not found to be of good moral character; or

(3) Who has, in the past seven years, been convicted of or is presently charged with a felony in violation of any law relating to burglary, theft, robbery, receiving stolen property, or any law involving moral turpitude; or

(4) Who has, in the past five years, been convicted of or is presently charged with a misdemeanor in violation of any law or ordinance relating to theft, receiving stolen property, or any law or ordinance involving moral turpitude; or

(5) Who has any outstanding warrants, or who pled guilty to or forfeited his bail on a charge of having committed a felony; or

(6) Who is a partnership, any member of which lacks any of the qualifications of this section; or

(7) Who is a corporation in which an officer or director lacks any of the qualifications of this section.

**CHAPTER 17-7
MESSAGE ESTABLISHMENTS**

Sections:

- 17-7-101. Definitions.
- 17-7-102. Business License Required.
- 17-7-103. Qualifications of the Licensee.
- 17-7-104. Prohibited Acts.
- 17-7-105. Display of Licenses.

17-7-101. DEFINITIONS.

(1) **Massage** means the practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion) and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by non-intrusive means and without spinal manipulation. The practice of massage may include the use of oil rubs, heat lamps, salt glows, hot and cold packs or tub, shower, steam or cabinet baths.

(2) **Massage Technician** means a person who is licensed as a massage technician by the State of Utah.

(3) **Massage Apprentice** means a person who is licensed as a massage apprentice by the State of Utah.

(4) **Massage Establishment** means any place where massages are given for hire.

17-7-102. BUSINESS LICENSE REQUIRED.

It is unlawful for any person or entity to operate a massage establishment without meeting the requirements of this Chapter and obtaining a business license as required by this Title.

17-7-103. QUALIFICATIONS OF THE LICENSEE.

Each individual desiring a massage establishment license shall:

- (1) Be an individual at least 21 years of age;
- (2) Have no convictions of crimes involving moral turpitude within the past five years.

17-7-104. PROHIBITED ACTS.

The following acts are prohibited:

(1) It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the State of Utah as a massage technician or massage apprentice.

(2) It is unlawful for any massage establishment to employ, for the purpose of performing massage, any individual who is not licensed by the State of Utah as a massage technician or massage apprentice.

(3) It is unlawful to serve, store, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.

(4) It is unlawful for a massage technician, massage apprentice, or any employee of a massage establishment to touch or offer to touch or massage the genitalia of customers.

(5) It is unlawful for the massage technician, massage apprentice, or any customer or employee of the massage establishment to display to any other person any specified anatomical area or to engage in any specified sexual activity, as defined in Section 17-1-101, while on the premises of the massage establishment.

17-7-105. DISPLAY OF LICENSES.

(1) Every massage establishment licensed under this ordinance shall display its massage establishment license in a conspicuous place on the premises.

(2) Every massage technician or massage apprentice, while on the premises of a licensed massage establishment, shall maintain in his or her possession or immediate presence his or her State massage technician or massage apprentice license.

CHAPTER 17-8 PUBLIC RECREATION

Sections:

- 17-8-101. Definitions.
- 17-8-102. Policy.
- 17-8-103. Public Health, Safety and Welfare Requirements.
- 17-8-104. Indemnification and Insurance.
- 17-8-105. Possession and consumption of alcoholic beverages at a public recreation.
- 17-8-106. Public recreation business licensee responsible for enforcement.
- 17-8-107. Continued compliance, adequate personnel, other provisions.
- 17-8-108. Inspections.
- 17-8-109. Penalty.
- 17-8-110. Exemption for government-operated or -sponsored public recreations.
- 17-8-111. License Fees.

17-8-101. DEFINITIONS.

(1) **Community Events** means indoor or outdoor public recreations that are not for profit and that are primarily sponsored or promoted by a non-profit organization, such as a charitable, civic, cultural, governmental, school, or community organization.

(2) **Indoor Public Recreation** means a concert, fair, festival, bazaar, athletic contest, or other event held within an indoor structure, which 500 or more patrons may attend.

(3) **Outdoor Public Recreation** means:

(a) A concert, fair, festival, bazaar, athletic contest, or other similar event held out of doors, which 1,500 or more patrons may attend, or

(b) Any racing event involving motorized vehicles, regardless of the number of patrons.

(4) **Patron** means any person who requires a ticket or pass to attend a public recreation, regardless of whether the person exchanged money for the ticket or pass.

(5) "Public Assembly Facility" means

(a) an indoor or outdoor assembly facility that is wholly or partially funded by public funds; and

(b) which requires a person attending an event at the assembly facility to purchase a ticket.

(Ord. No. 94-86 Amended 08/15/1994; Ord. No. 95-61 Amended 12/22/1995; Ord. No. 96-73 Amended 11/27/1996; Ord. No. 97-43 Amended 08/11/1997; Ord. No. 99-23 Amended 06/07/1999)

17-8-102. POLICY.

The City takes public notice that public recreations, as herein defined, create hazardous conditions, including but not limited to, traffic, solid waste disposal, sanitation, sewage disposal, public health, fire protection, noise and other public safety concerns; therefore, City finds and determines that this ordinance which prescribes the procedures, rules and regulations for conducting public recreations as herein

defined is necessary to protect the health, safety and welfare of the citizens of West Valley City. This ordinance shall be liberally construed to accomplish this purpose.

(Ord. No. 94-86 Amended 08/15/1994)

17-8-103. PUBLIC HEALTH, SAFETY AND WELFARE REQUIREMENTS.

(1) As part of its business license application as hereinbefore required, a public recreation applicant shall provide evidence of measures taken to reasonably protect the health, safety and welfare of the patrons to the public recreation and the public in general. Such evidence shall include, but is not limited to, the following:

- (a) A statement of the number of expected participants or potential number of participants with an explanation of how said number was derived. Said number may be derived from but shall not be limited to items such as number of presold tickets, available seating and/or parking, past experience with similar activities, etc.
- (b) A scaled drawing of the area in which the public recreation is held. Said drawing shall show:
 - (i) Off-street parking facilities providing for one vehicle for every four patrons reasonably expected to attend the public recreation, said parking to be hard surface and striped or, if not hard-surfaced and striped, adequately regulated by parking personnel to insure orderly and safe ingress and egress from the parking facility;
 - (ii) Specific areas designated for ingress and egress of emergency vehicles. Such areas shall include appropriate barriers to regulate vehicular and pedestrian traffic; details to be included in said scaled drawing.
 - (iii) Specific areas designated for safe ingress and egress of vehicular traffic and for patron admission to insure the safety of patrons, the enforcement of State and local laws and ordinances and the exclusion of persons not entitled to entry. The adequacy of such areas shall be based upon the number of patrons reasonably expected to attend the public recreation.
- (b) A plan outlining adequate provisions for traffic control, crowd control and enforcement of City ordinances, State and federal laws and any other applicable regulations. Said plan shall include, but is not limited to, the following:
 - (i) Number of enforcement personnel located at the premises;

- (ii) Type of security personnel (i.e. private security, City police, county or state personnel);
- (iii) Name and address of the private security agency providing security personnel if a private agency is used; and
- (iv) Arrangements for communication between internal and external security personnel, including City personnel, if any, and arrangements for emergency communication with patrons.

(2) To insure the reasonable protection of the health, safety and welfare of the patrons to the public recreation and the public in general, the business license application, including the scaled drawing and other applicable documents, as hereinbefore required shall be subject to approval by the following personnel or agencies:

- (a) Chief of Police;
- (b) Fire Chief;
- (c) Community Development Department;
- (d) City/County Health Department.

Approval by the above personnel and agencies shall be based upon compliance with and approval of the information required in (1) above, upon implementation by the public recreation of those measures outlined in (1) above, upon compliance by the applicant with City and State ordinances, statutes and regulations, upon compliance with other reasonable conditions imposed by the above personnel and/or agencies which reasonably protect the safety of patrons to the event and the public in general, and insured compliance with City and State laws by patrons.

Should any of the information required in (1) above change after issuance of the business license, the applicant shall submit said changes to the personnel or agencies listed in (2) above for their approval within 10 days of such change.

(Ord. No. 00-12 Amended 02/24/2000)

17-8-104. INDEMNIFICATION AND INSURANCE.

(1) The public recreation applicant shall hold City harmless from any and all claims arising from any and all personal injury or property damage resulting from said public recreation.

(2) The public recreation applicant shall submit, with its business license application, evidence of a liability insurance policy providing for a minimum of \$1,000,000 bodily injury coverage per person; \$3,000,000 bodily injury coverage per occurrence; and \$250,000 property damage coverage. City shall be named as an insured and the applicant shall submit a certificate of insurance to the City stating that the insurance shall not be cancelled prior to giving City at least 10 days written notice of such cancellation. At its discretion, the City Manager may waive this insurance requirement for nonprofit organizations.

17-8-105. POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT A PUBLIC RECREATION.

(1) At a public recreation that is not also a Class 'D' beer licensed premises, it shall be unlawful for any person to bring onto the premises or to possess or consume any alcoholic beverage.

(2) At a public recreation that is also a Class 'D' beer licensed premises, it shall be unlawful for any person to bring onto the premises any alcoholic beverage or to possess or consume any alcoholic beverage, not purchased from the Class 'D' beer licensee of said premises.

17-8-106. PUBLIC RECREATION BUSINESS LICENSEE RESPONSIBLE FOR ENFORCEMENT.

(1) It shall be unlawful for any business licensee of a public recreation to not actively enforce Section 17-8-105.

(2) As used in the section, "to not actively enforce" shall be demonstrated by any of the following:

- (a) For a public recreation that is not also a Class 'D' beer licensed premises:
 - (i) Intentionally permitting persons to bring alcoholic beverages onto the premises;
 - (ii) Knowingly permitting persons to have in their possession or to consume alcoholic beverages and failing to take any action to stop said possession or consumption.
- (b) For a public recreation that is also a Class 'D' beer licensed premises:
 - (i) Intentionally permitting persons to bring alcoholic beverages onto the premises;
 - (ii) Knowingly permitting persons to have in their possession or to consume alcoholic beverages which have not been purchased on the premises and failing to take any action to stop said possession or consumption.

(3) It shall be the responsibility of the public recreation business licensee to notify the patrons of the licensed premises, of the prohibitions set forth in this Chapter, and that said prohibitions will be enforced by the business licensee. Said notice shall consist of the following:

- (a) Signs conspicuously posted throughout the licensed premises of a size and in a number sufficient to reasonably assure notification of all patrons; and
- (b) By use of other appropriate and reasonable means of communication, which may include but are not limited to flyers, loudspeaker announcements, personal contact, radio or TV advertisements, or printing on admission tickets.

17-8-107. CONTINUED COMPLIANCE, ADEQUATE PERSONNEL, OTHER PROVISIONS.

(1) After approval of its business license application and for the duration of the public recreation, applicant shall provide those facilities and implement those safeguards required by the City which constitute the basis for approving the license application and shall comply with all ordinances, laws and statutes applicable to the public recreation. Failure to do so shall result in any and/or all penalties provided in Section 17-8-109 of this Chapter.

(2) The applicant shall provide adequate personnel, including competent security, to assure full compliance with the provisions of this Title and the provisions of any other City, county, state or federal law. The adequacy of said personnel shall be determined by compliance with the provisions of Section 17-8-103 above.

(3) Compliance with the provisions of this Chapter shall not excuse any public recreation from compliance with any other applicable statute, ordinance or regulation, or the necessity of obtaining any other permit or license required by law including, but not limited to, those provisions in this Title specifically related to the operation of a business as herein defined.

17-8-108. INSPECTIONS.

Authorized law enforcement officers and fire control personnel, along with other necessary government personnel, shall be permitted free access to the public recreation to make inspections as outlined in Section 17-1-108 of this Title.

17-8-109. PENALTY.

(1) If it is determined by the City Business License Division that a public recreation business licensee is in violation of any of the provisions of this Title, the City Business License Officer shall have the authority to suspend or revoke, without a hearing, any license issued by the City that relates to the public recreation. Said suspension or revocation shall be in compliance with the procedural provisions of Chapter 3 of this Title.

(2) Any person who is found guilty of violating any of the provisions of this Title, either by failing to do those acts required herein or by doing a prohibited act is guilty of a Class "B" misdemeanor and shall be subject to any of the penalties provided in this Title or in any other pertinent body of law including, but not limited to, those penalties of suspension and/or revocation of any license granted by the City.

(3) Each day such violation is committed or permitted to continue shall constitute a separate violation.

(4) The City Attorney may initiate legal action, civil or criminal, requested by the City to abate any condition that exists in violation of these rules and regulations.

(5) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any provisions of this Title shall be liable for all expenses incurred by the City in removing or abating any nuisance, source of filth, cause of sickness or infection,

health hazard, sanitation violation, or repairing any damage or making restitution for any personal injury or property damage arising from noncompliance with this Title.

17-8-110. EXEMPTION FOR GOVERNMENT-OPERATED OR -SPONSORED PUBLIC RECREATIONS.

(1) Government-operated public recreations shall be exempt from the provisions of this Chapter.

(2) A public recreation licensee that operates a community event hosted or co-sponsored by the City shall be exempt from the license fees for that community event.

(Ord. No. 95-61 Repealed 12/22/1995; Ord. No. 97-43 Enacted 08/11/1997)

17-8-111. LICENSE FEES.

(1) All Indoor and Outdoor Public Recreations which are held in public assembly facilities shall pay the per-ticket license fee, as provided in Chapter 1-2 of Title 1. This license fee shall be offset by the \$1 per ticket user fee established pursuant to Section 4-3-103 and the Consolidated Fee Schedule.

(2) (a) Indoor and Outdoor Public Recreations, as defined in 17-8-101(3)(a), not held in public assembly facilities, shall pay a disproportionate impact fee as provided in Chapter 1-2 of Title 1, to offset the additional costs to the City of providing police, fire, parking, and traffic control services.

(b) Indoor and Outdoor Public Recreations as defined in 17-8-101(3)(a) not held in public assembly facilities shall pay a disproportionate impact parking fee as provided in Chapter 1-2 of Title 1, to offset the additional costs to the City of providing police, fire, parking, and traffic control services.

(3) All license and disproportionate impact fees based on a per-ticket or per-car basis, as provided for in Chapter 1-2 of Title 1, the Consolidated Fee Schedule, are due on the tenth business day following the final day of a month in which any public recreation was held. Per-ticket fees are based on the number of tickets purchased, regardless of whether or not the ticket-holders used the tickets for admittance to the public recreation. Licensees shall maintain monthly records of the number of tickets distributed, and present copies of the month's records to the Business License Division along with payment of the license fees.

(Ord. No. 96-73 Added 11/27/1996; Ord. No. 97-43 Amended 08/11/1997; Ord. No. 99-23 Amended 06/07/1999)

**CHAPTER 17-9
RESTAURANTS**

Sections:

- 17-9-101. Definition.
17-9-102. Unlawful to employ help under eighteen years
of age after one a.m.
17-9-103. Minors prohibited on premises after eleven
a.m.
17-9-104. Certain persons not allowed in restaurants.
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17-9-101. DEFINITION.

Restaurant means any place where food and beverages are prepared, served and sold for human consumption on or off the premises.

**17-9-102. UNLAWFUL TO EMPLOY HELP
UNDER
EIGHTEEN YEARS OF AGE AFTER
ONE A.M.**

It shall be unlawful for any restaurant to employ any person under the age of eighteen years after the hour of 1:00 a.m. of any day.

**17-9-103. MINORS PROHIBITED ON PREMISES
AFTER ELEVEN P.M.**

It shall be unlawful for any person holding a restaurant license to allow any person under the age of 16 to visit or remain on the licensed premises after the hour of 11:00 p.m. of any day unless such minor is accompanied by his parent or guardian.

**17-9-104. CERTAIN PERSONS NOT ALLOWED IN
RESTAURANTS.**

It shall be unlawful for any person licensed under the provisions of this Chapter to permit to loiter, loaf or idle in his place of business any known prostitute, gambler, pimp or procurer, or permit in any such place of business any vulgar, obscene, gross, indecent or immoral act, conduct, or disorder. The word "known" shall mean known to the licensee, or any of his employees, or to the police or other public authorities having supervision over such place of business or one who has such a reputation.

CHAPTER 17-10
AMBULANCES, EMERGENCY MEDICAL SERVICE
PROVIDERS AND SPECIAL TRANSPORTATION
PROVIDERS

Sections:

- 17-10-101. Definitions.
- 17-10-102. Licenses.
- 17-10-103. Vehicles - Equipment, Maintenance and Operation.
- 17-10-104. Special Transportation.
- 17-10-105. Reports.
- 17-10-106. Exemptions.
- 17-10-107. Emergency Medical Procedures.
- 17-10-108. Responding Vehicles.
- 17-10-109. Vehicle Service and Response Time.
- 17-10-110. Permanent Facilities.
- 17-10-111. Service Assurance and Development.

17-10-101. DEFINITIONS.

(1) "Ambulance" means a motor vehicle constructed and equipped with facilities to transport sick or injured persons.

(2) "Emergency Medical Service Provider (EMS)" means a licensed ambulance provider and paramedic provider, a quick response provider, resource hospital for emergency medical providers, emergency medical dispatch center, emergency patient receiving facilities and emergency medical service personnel.

(3) "Incident Command Policy" means incident response protocol that assigns a commanding officer based on the arrival sequence of emergency response personnel; ensures a direct and visible chain of command is immediately established; defines activities and responsibilities of the commanding officer and other personnel; provides for processing of information to support management and decision making; and provides for the orderly transfer of command to subsequent commanding officers.

(4) "Selective Medical Dispatch System" means a Fire Department-approved reference system used by a local dispatch agency to dispatch aid to medical emergencies, and which includes systematized caller interrogation; systematized pre-arrival instructions; and protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.

(5) "Special Transportation" means a motor vehicle designed, equipped and used for the transportation of invalid persons on a non-emergency basis. Such vehicles shall require no personnel other than the driver, and shall not be required to have first-aid equipment, flashing red lights or sirens.

(6) "VECC" means the Valley Emergency Communications Center at approximately 5360 South and 5885 West in West Valley City.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-102. LICENSES.

(1) A business license shall be required for ambulances, Emergency Medical Service providers and special transportation providers as well as for each service provider in a vehicle.

(2) Before approval of any application for a license, applicants shall be required to submit a permit issued by the State of Utah authorizing the transportation of passengers.

(3) The police shall conduct an investigation of each applicant for a license. Upon completion of the investigation, the police shall recommend the approval or disapproval of the application. It shall be the duty of the Police Department to give the Fire Department a written report of any misrepresentation or falsification by the applicant discovered after investigation.

(4) Every applicant shall go to the police department and obtain the necessary photographs and fingerprint impressions to process the application. Applications for renewal of licenses may be required to obtain up-to-date photographs, if the police shall so require.

(5) Every application shall include a certificate from a reputable physician residing in the State which shall certify that, in the opinion of the physician, the applicant is not afflicted with any disease or infirmity that would or might cause him to be an unsafe or unsatisfactory driver. After the initial application, assuming it is approved, a physician's certificate shall be filed annually with the police.

(6) All applicants for an ambulance or Emergency Medical Service license shall submit proof of a current certificate issued by the Bureau of Emergency Medical Services.

(7) Ambulance and Special Transportation duly licensed in another city or county, which have substantially the same requirements as this Chapter, shall be required to only fill out an application and pay the per-vehicle fees each year as set forth in the Consolidated Fee Schedule.

(8) All licenses shall provide evidence of a \$5,000,000.00 liability insurance policy in the company name placed with a company that has a minimum Best's rating of at least A:VII in a form reviewed and approved by the City Attorney's office.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-103. VEHICLES - EQUIPMENT, MAINTENANCE AND OPERATION.

(1) A license shall not be issued until each vehicle to be used in the City has been thoroughly and carefully inspected by the Fire Department and certified by the Bureau of Emergency Medical Services.

(2) Every ambulance or special transportation operating under the provisions of this Title shall be inspected annually by the Fire Department and certified by the Bureau of Emergency Medical Services to insure the continued maintenance of safe, clean and proper operating conditions.

(3) Every licensed vehicle operating under the provisions of this Chapter shall be kept in a clean and

sanitary condition, according to rules and regulations promulgated by the Bureau of Emergency Medical Services.

(4) Licensees shall not operate street stands nor accept passengers except on orders received by a dispatching office, or by appointment or contract.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-104. SPECIAL TRANSPORTATION.

(1) All special transportation shall be in safe condition for the transportation of handicapped persons, clean, of good appearance and well-painted, and shall have such equipment as may be required by the City, including, but not limited to, the following:

- (a) Doorways wide enough to accommodate a wheelchair;
- (b) Ramps or lifting devices for elevating handicapped persons from the curb or sidewalk. All such ramps and lifting devices must be stored inside the vehicle when moving.
- (c) Adequate means for the securing of handicapped persons safely to the inside of the vehicle and safety belts for all passengers.
- (d) A door, in addition to those provided in such vehicles for normal ingress and egress, located at the rear, to be used as a method of escape in case of an emergency.
- (e) A fire extinguisher, first-aid equipment, and such other supplies as may from time to time be required.

(2) A special transportation vehicle shall not be equipped with a siren or permitted to operate as an emergency vehicle or permitted to carry oxygen.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-105. REPORTS.

(1) Every licensee shall maintain a daily manifest which shall include a report of all trips made during a given shift and show the time and place of origin and destination of each trip and the name of the passenger transported. All manifests shall be returned to the licensee by the driver at the conclusion of the working day.

(2) The forms for each manifest shall be furnished to the driver by the licensee and shall be of a character approved by the City.

(3) Every licensee shall retain and preserve all driver manifests in a safe place for at least one calendar year after the year in which such manifests are made. Manifests shall be sent monthly to the Fire Department and shall be available to the City at any time upon request.

(4) Every licensee shall keep accurate records of all receipts from operations including operating and other expenses, capital expenditures and such other operating information as may be required by the City. Records so retained shall be made available to the City for inspection upon request.

(5) Every licensee shall maintain all records required by this Chapter at a place readily accessible for examination by the City.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-106. EXEMPTIONS.

The provisions of this Chapter shall have no application to the transportation by the City or any of its departments of any person. No driver employed by the City shall be required to comply with the provisions of this Title.

17-10-107. EMERGENCY MEDICAL PROCEDURES.

The Fire Department will have the responsibility for and shall have jurisdiction over any Emergency Medical Services program in the City.

(1) VECC Emergency Medical Dispatchers have the primary responsibility for receiving and dispatching calls for medical assistance, including ambulance.

(2) All direct-dial emergency medical calls received by private agencies will immediately be referred to the VECC for dispatch of appropriate equipment, if the call is for assistance within the City limits.

(3) VECC Dispatchers will dispatch the appropriate unit, whether public or private, to the medical emergency scene as per the Dispatch Priority Cards. To accomplish this, the following must be observed:

- (a) VECC Dispatchers shall be kept informed of the status and location of private ambulances in four-hour increments.
- (b) Where only a private ambulance is dispatched, the private agency will give to the Fire Department the information regarding patients in the form of a patient report within 30 days of the dispatch.
- (c) Private agencies will notify VECC Dispatchers immediately any time ambulance units are not immediately available, if there will be a delayed response time, and the estimated time or arrival.
- (d) Interaction on fire frequency is required to establish awareness of respective locations.
- (e) The ambulance company's dispatch shall use the same Dispatch Priority Card System.
- (f) Any problems with compliance to the Dispatch Priority System should be reported by dispatchers, EMTs, paramedics or ambulance personnel at the required monthly Emergency Medical Service meetings.
- (g) All licensees shall supply a status screen to VECC to comply with proper status tracking.

(4) All vehicles shall contain equipment to be used for participation in specialized rescue services, including but not limited to eye protection, helmets and other safety gear and equipment as determined by the Fire Department.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-108. RESPONDING VEHICLES.

(1) Department orders specify apparatus responding to an emergency shall not travel more than 50 miles per hour on City streets and shall be driven in a manner consistent with safety. On freeways, they shall maintain speed with flow of traffic.

(2) When approaching an intersection with warning devices in operation, the speed of the vehicle is to be slowed to where full stop can be made if necessary.

(3) Vehicles dispatched on emergency medical assignments shall give current location, response route and estimated time of arrival to the VECC Dispatcher.

(4) A unit, either private or public, shall not pass another responding emergency vehicle without the permission of the lead vehicle.

(5) All emergency vehicles responding on medical emergency calls shall restrict use of warning devices such as sirens and air horns as they approach the emergency scene so as not to alarm the patient and cause unnecessary confusion.

(6) Where an ambulance is closer than a paramedic or other responding apparatus, they shall respond 10-39.

(7) All Fire Department vehicles will be informed by VECC Dispatcher when ambulance only is responding and given route of travel.

(8) A licensee shall follow District IIB protocols as they pertain to contacting on-line medical control and each licensee shall attend regularly scheduled District IIB protocol review meetings and shall ensure that all employees and activities are in compliance with the established protocols.

(Ord. No. 02-28 Amended 05/16/2002)

17-10-109. VEHICLE SERVICE AND RESPONSE TIME.

(1) Response type, time and mode shall be followed as set forth in subsection (2) below. These requirements shall be applied in normal circumstances and shall apply to the first and second subsequent calls for service. In the event of multiple simultaneous calls or calls that require more than two licensees, these response requirements shall be followed to the extent possible.

(2) Required Response Times.

	Response Time 1st Responders	Response Time Ambulance	Response Paramedics Time
Alpha Calls	≤12:59 Minutes 90%	≤12:59 Minutes 90%	No response
Response Mode	No lights or sirens	No lights or sirens	No response
Bravo Calls	≤7:59 Minutes 90%	≤12:59 Minutes 90%	No response
Response Mode	No lights or sirens	No lights or sirens	No response
Charlie Calls	≤4:59 Minutes 90%	≤12:59 Minutes 90%	≤7:59 Minutes 90%
Response Mode	Lights and sirens	Lights and sirens	Lights and sirens
Delta Calls	≤4:59 Minutes 90%	≤7:59 Minutes 90%	≤7:59 Minutes 90%
Response Mode	Lights and sirens	No lights and sirens	Lights and sirens
Echo Calls	≤4:59 Minutes 90%	≤7:59 Minutes 90%	≤7:59 Minutes 90%
Response Mode	Lights and sirens	Lights and sirens	Lights and sirens

(3) A licensee shall maintain four fully equipped and staffed ambulances within the corporate boundaries of West Valley City at all times.

(4) A licensee shall maintain four fully equipped and staffed paramedic units within the corporate boundaries of West Valley City at all times.

(Ord. No. 02-28 Added 05/16/2002)

17-10-110. PERMANENT FACILITIES.

(1) A licensee shall provide and maintain a permanent facility within the City that provides training rooms, clean restrooms, an employee break room, decontamination equipment including a washing machine, sink, shower and soap.

(2) The facility shall also provide for an indoor storage facility to provide protection, maintenance, and other facilities for the vehicles.

(3) The facility shall be secured, temperature controlled, clean, well lit and built in compliance with all other City ordinances.

(Ord. No. 02-28 Added 05/16/2002)

17-10-111. SERVICE ASSURANCE AND DEVELOPMENT.

(1) Each licensee shall develop and maintain a plan consistent with maintaining career opportunities for EMS personnel. This plan shall be submitted to and reviewed by the Fire Department on an annual basis.

(2) Each licensee shall develop, maintain and deliver illness and injury prevention programs to the community and create a community education program that promotes community health.

(3) Each licensee shall establish resource allocation models that most appropriately maximize resources and efficiency, and develop response plans that utilize the most appropriate resource in the most appropriate mode.

(4) Each licensee shall participate in the continual review and update of the prioritized medical dispatch protocols used by the licensee. Attendance at monthly review meetings shall be mandatory and a license suspension shall result for failure to attend.

(5) Each licensee shall develop and implement a customer satisfaction survey intended to measure the licensee's effectiveness and the satisfaction that the

community has with the licensee. The licensee shall obtain a survey from at least 70% of its clients and shall provide the results to the City annually. These records shall be retained for at least one year and shall be made readily available to the City for review at any time.

(6) Each licensee shall create and apply infection control procedures that meet NFPA and OSHA requirements as well as local, district, and State rules.

(7) Each licensee shall adhere to a detailed Incident Command Policy.

(8) Each licensee shall develop, implement and present to the Fire Department a quality improvement process that evaluates every level of the EMS system including communications, field of care review by a medical director, post-incident reviews, response time criteria, adherence to established treatment and transport protocols, appropriate scene release, and accuracy and completeness of patient care reports.

(Ord. No. 02-28 Added 05/16/2002)

CHAPTER 17-11 SERVICE STATIONS

Sections:

- 17-11-101. Definition.
- 17-11-102. Nonbusiness Filling Stations.
- 17-11-103. Coin-operated Stations.
- 17-11-104. Food and Beverages.

17-11-101. DEFINITION.

Service station means a place of business where gasoline or any highly volatile fuels for motor vehicles or internal combustion engines, are sold or offered for sale at retail, and dispensed into the fuel tanks of such motor vehicles. A "service station" shall also include a private storage tank and dispensing of such products for the same purposes as those served by a service station, whether the storage is maintained for the use or benefit of the owner, lessees, agents or employees of either, or of any others.

17-11-102. NONBUSINESS FILLING STATIONS.

Any person maintaining or operating any storage tank for gasoline for the use of automobiles of the owner, lessee, employees or agents of such person shall comply with all the provisions of applicable ordinances except the payment of a business license fee.

17-11-103. COIN-OPERATED STATIONS.

It shall be unlawful for any person to maintain any coin-operated station without the services of an attendant on duty at all times.

17-11-104. FOOD AND BEVERAGES.

Food or beverages shall not be served, sold, or allowed to be consumed on the premises of a service station without the licensee first acquiring the necessary food handling permits and a convenience store business license as required by this Title.

CHAPTER 17-12 TAXI SERVICES

Sections:

- 17-12-101. Definition.
- 17-12-102. Applications.
- 17-12-103. Inspection.
- 17-12-104. Distinctive Color Scheme.
- 17-12-105. Financial Responsibility.
- 17-12-106. Taxicab Driver's License.
- 17-12-107. Examination of Drivers.
- 17-12-108. Forms and Terms of Driver's License.
- 17-12-109. Driver's Badge or Cap.
- 17-12-110. Revocation or Suspension of Licenses.
- 17-12-111. Maintenance of Records.
- 17-12-112. Schedule of Rates.
- 17-12-113. Taximeter.
- 17-12-114. Filing Schedule of Rates.
- 17-12-115. Additional Passengers.
- 17-12-116. Conduct of Taxicab Driver.
- 17-12-117. Cruising Prohibited.
- 17-12-118. Car Must Take Most Direct Route.
- 17-12-119. Driver to Remain Near Vehicle.
- 17-12-120. Fraud Prohibited.
- 17-12-121. Duty to Transport Passengers.
- 17-12-122. Refusing to Pay Fare.
- 17-12-123. Demand of Fare in Advance.
- 17-12-124. Duty to Disclose Information.
- 17-12-125. Identification.
- 17-12-126. Record of Business.
- 17-12-127. Intoxicating Liquors.
- 17-12-128. Reciprocity.

17-12-101. DEFINITION.

Taxicab means any motor vehicle used for the purpose of transporting persons within the county for hire, provided, that "taxicab" as hereinabove defined shall not include vehicles used in what is commonly known as motor bus operations with a seating capacity of seven persons or more.

17-12-102. APPLICATIONS.

In addition to the information required by Section 17-1-105, all applications for a taxicab license shall contain the make, model, year of manufacture and seating capacity of the taxicab, the Utah state license number for the current year, the engine and factory number of the motor vehicle and the color scheme or combination proposed to be used.

17-12-103. INSPECTION.

(1) All applications for taxicab licenses shall be forwarded to the police who, in turn, shall make or cause to be made inspections of such taxicabs as are intended to be licensed and shall forward to the license officer a certification of inspection for each showing same to have been inspected and in a thoroughly safe condition for the transportation of passengers; and further, that such taxicabs

are clean, of respectable appearance and painted a distinctive color so as to permit differentiation from privately-owned passenger motor vehicles and other taxicabs; provided, that in case the taxicab as such is licensed by the City, there may be submitted, in lieu of said certificate, a copy of the inspection record of said City covering such taxicab, showing that it passed inspection not earlier than sixty days prior to the filing of said application.

(2) Taxicabs licensed under this Chapter shall be inspected every six months to insure the continued maintenance of safe operating conditions. Such inspection shall be made by the Police Department or by someone directed by that Department to make the inspection.

(3) The owner or operator of the taxicab shall pay an inspective fee of Five Dollars to the City for each inspection made in conformance with this provision.

17-12-104. DISTINCTIVE COLOR SCHEME.

A taxicab license shall not be issued to any person until a standard and uniform color scheme has been adopted by the applicant and approved by the police, which designated color scheme shall not conflict with or imitate any color scheme, monogram, name or insignia used by another concern in such manner as to be misleading or to tend to deceive or defraud the public. Every taxicab shall have painted upon each of the rear doors, the name of the owner, or the trade name under which the owner operates, together with the cab number of the owner. All lettering mentioned in this paragraph shall not be less than two and one-quarter inches in height and 5/16-inch stroke.

17-12-105. FINANCIAL RESPONSIBILITY.

After approval of the application and prior to the issuance of a taxicab license, the applicant shall submit to the license officer:

(1) An insurance policy in such amounts as the City shall from time to time determine appropriate, executed by an insurance company qualified to do business in the State of Utah and approved by the City Council, insuring any person against loss or damage to person or property resulting to him or his heirs from the negligent operation of any taxicab operated by or on behalf of the owner thereof; provided, however,

(2) That, in lieu of said insurance policy, taxicab owners may file surety bonds with the City in such amounts as the City Council shall from time to time determine appropriate, keeping the same in full force and effect during the entire period for which such taxicab is covered by the license issued hereunder. Bonds shall be in such form as the City Attorney's Office may deem proper, executed by a responsible and solvent surety company authorized to do business under the laws of the State of Utah, and so conditioned that the taxicab owner will pay all final judgments rendered against him for damages; and that,

(3) In lieu of an insurance policy or corporate surety bond, prospective licensees can substitute bonds in the same amount as those above required, conditioned that the

owner will pay all final judgments rendered against him for damages, executed by two good and sufficient individual sureties, each of whom shall subscribe his name to said bond and swear under oath that he is the owner of real property in the City not exempt from execution and having value of not less than Fifty Thousand Dollars. Individual surety bonds shall be approved by the Commission and kept in full force and effect during the entire license fiscal period and individual sureties may be called before the Commission at any time to satisfy the Commission that their financial position remains secure. Persons filing surety bonds, not executed by a corporate surety qualified as aforesaid, shall pay the license director a filing fee in the sum of Ten Dollars.

(4) In the event the taxicab is licensed as such by the City, there may be submitted in lieu of the actual policies and/or bonds an affidavit that they are in effect in the amounts prescribed and are on file in Salt Lake City or county and, in such case, the applicant shall keep the same in full force and effect during the whole period for which such taxicab is covered by a license issued hereunder.

17-12-106. TAXICAB DRIVER'S LICENSE.

A taxicab driver's license may be issued only after submission to the Business License Division director of the following:

(1) An application setting forth the name, age, address, places of residence of the applicant for five years prior to the date of such application, marital status, record, if any, of arrests and convictions for felonies and misdemeanors and a record as to whether previously licensed as a driver or chauffeur and, if so, whether such license has ever been revoked and for what reason. Such application shall be sworn to by the applicant before a notary public, or other officer authorized to administer oaths. No taxicab driver's license shall be granted unless the applicant is over 21 years of age, a bona fide resident of the City for 60 days next preceding the date of such application, not addicted to the use of intoxicating liquors or drugs and possessed of a sound physique with good eyesight and hearing. Applicants shall, further, not be subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind such as to render them unfit for the safe operation of a taxicab.

(2) Three unmounted, unretouched photographs of the applicant in such position as the police may require, taken not earlier than thirty days prior to the filing of said application.

(3) A certificate in a form approved by the City Attorney's Office, signed by the police or their duly authorized deputy, setting forth that the applicant has been examined by the police or such deputy, and that applicant is, in the opinion of such officer, sufficiently familiar with the geography of the City and the traffic rules and regulations of the State of Utah to operate a taxicab and that said applicant has demonstrated sufficient skill and ability to handle safely said taxicab, possesses the average knowledge of the mechanism of an automobile, is able to

write, read and understand the English language and is clean in dress and person; provided, that the police may accept evidence that the applicant holds a license to drive a taxicab in the incorporated limits of the City as a basis for his issuance of a certificate and in lieu of an independent examination.

(4) Affidavits signed by at least two reputable residents of West Valley City to whom applicant is known personally, attesting to applicant's good moral character, honesty and integrity and, in addition, a letter of endorsement from applicant's most recent employer regarding applicant's habits and character, unless in the opinion of the police, it is impossible or inadvisable to obtain such employer's endorsement.

(5) Fingerprints of the applicant, consisting of impressions of all fingers and both thumbs of his right and left hands.

(6) Evidence that the applicant has a current motor vehicle chauffeur's permit issued by the State of Utah authorizing the transportation of passengers.

17-12-107. EXAMINATION OF DRIVERS.

Each applicant for a taxicab driver's license under the provisions of this Chapter may be annually examined by the Police Department as to his knowledge of the provisions of same, the traffic regulations and geography of the City and if the result of the examination be unsatisfactory, shall be refused a license. Each such applicant shall, upon demand by the City Police Department, demonstrate his skill and ability to handle his vehicle and must demonstrate his knowledge of the mechanism of an automobile.

17-12-108. FORMS AND TERMS OF DRIVER'S LICENSE.

The driver's license shall be in such form as to contain the photograph and signature of the licensee. It shall be unlawful for any licensee to deface, remove or obliterate any official entry made upon his license.

17-12-109. DRIVER'S BADGE OR CAP.

There shall be delivered to each licensed driver a badge or cap of such form and style as the police may prescribe, with the driver's license number thereon, which must under penalty of the revocation of the license be constantly and conspicuously displayed on the outside of the left sleeve of the driver's outer garment when he is engaged in his employment. Such badge shall be non-transferrable and it shall be unlawful for any person to wear any such badge or one so similar as to deceive any person, unless the same has been regularly issued, as provided herein, to the person wearing the same.

17-12-110. REVOCATION OR SUSPENSION OF LICENSES.

Upon the recommendation of the police, based upon a violation of any of the provisions of this Chapter or of any other ordinance of the City, or the laws of the county or

State of Utah, or for any immoral, indecent or offensive conduct, or for any other reason the commission deems it reasonable or proper, the above-mentioned taxicab license and taxicab driver's license may be either permanently revoked or suspended by the Council for such period of time as the Council shall determine. Any suspension of the taxicab driver's license shall be noted on such license, together with a statement of the reasons therefore, and the licensee shall thereupon be deprived of the license and the driver's badge until the expiration of the period of the suspension in the event that a suspension only is had. A second suspension for the same reason or a third suspension for any reason shall be cause to permanently revoke the driver's license. No person whose license has been so revoked shall again be permitted to obtain a taxicab driver's license, except upon the presentation of reasons satisfactory to the Council.

17-12-111. MAINTENANCE OF RECORDS.

The license director shall maintain a complete record of each taxicab license and taxicab driver's license issued and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original applications for such licenses.

17-12-112. SCHEDULE OF RATES.

The driver of each taxicab shall display in a conspicuous place in the inside of the vehicle which he is operating where same may be easily read by every person riding therein, a schedule of the rates or, if the rates are based on zones, the zone map determining the charges to be assessed.

17-12-113. TAXIMETER.

(1) If the rates to be charged are to be computed by taximeters, it shall be the duty of every person owning or operating such taxicab to keep the taximeter thereon in good and workable condition and at the beginning of every employment to set said taximeter in the usual way so that it will register and compute on a mileage basis while said vehicle is running and on a time basis while waiting, and such taximeter shall be so placed that the face thereof where the fare is registered will be plainly visible to passengers within said vehicle.

(2) No license shall be issued to a taxicab using a taximeter for computing the fare, until the taximeter attached thereto shall have been inspected by the correct agency and found to be correct, and no person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five percent incorrect to the prejudice of any passenger.

17-12-114. FILING SCHEDULE OF RATES.

It shall be the duty of every operator of a taxicab to file with the license officer a schedule of the rates to be charged by him in the operation of taxicabs and the method upon which said rates shall be computed, and prior to any change in either the rates of fare or the method of

computing, the same such operator must receive the authority of the Council for such change.

17-12-115. ADDITIONAL PASSENGERS.

Whenever a taxicab driver is transporting a passenger or passengers, such passenger or passengers shall have the exclusive right to full and free use of the passenger compartment and it shall be unlawful for the taxicab driver to solicit or carry an additional passenger or passengers therein, except with the consent of the passenger or passengers then being transported.

17-12-116. CONDUCT OF TAXICAB DRIVER.

It shall be unlawful for a taxicab driver, while engaged in operating a taxicab, to obstruct any street or sidewalk; make any loud or unusual noise, disturbance or outcry; use any indecent, profane or obscene language; or be guilty of any boisterous or loud talking or any disorderly conduct; or to harass, vex, annoy or disturb any passenger or other person; or to interfere with, obstruct or impede the free passage of passengers or other persons to or from any depot, theater, home, hotel, public resort, train, or any other building or place; or to seize or grasp, or interfere with any person or package carried by or belonging to said passengers or persons.

17-12-117. CRUISING PROHIBITED.

All taxicabs licensed under the provisions of this Chapter are prohibited from indiscriminately soliciting passengers for hire or from cruising the streets of the City for the purpose of obtaining patronage for their cabs; and solicitation within the prohibition is hereby defined to consist of moving about the streets of the City soliciting or inviting business or customers or calling attention of members of the public to the taxicab by word of mouth, signals, nods or other signs from the taxicab while moving or by drawing up to the curb for that purpose or in any other manner calling attention to its service while going to or from its points of service. Cruising within this prohibition is declared to be moving about the streets of the City either indiscriminately or between fixed points for the purpose of obtaining patronage; provided, however, that taxicabs shall be permitted to receive or discharge passengers at public places or gatherings, such as theaters, hotels, public buildings and stadiums.

17-12-118. CAR MUST TAKE MOST DIRECT ROUTE.

Any driver employed carrying passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

17-12-119. DRIVER TO REMAIN NEAR VEHICLE.

It shall be unlawful for any person while engaged as driver, chauffeur, solicitor or attache of a licensed public vehicle to leave his vehicle for a distance of more than six

feet, except for the purpose of securing, when requested, the baggage of his patrons.

17-12-120. FRAUD PROHIBITED.

It shall be unlawful for the driver of any licensed public vehicle, or for any person soliciting patronage for any public vehicle, to induce or attempt to induce any person to employ him, by knowingly or wantonly misinforming or misleading such person as to the time or place of the arrival or departure of any railroad train or other conveyance, or the location of any railroad depot, office, station or ticket office, or the location of any hotel, public place or private residence within said City, or to practice any deceit, fraud or misrepresentation in any manner whatever relative to matters pertaining to his business.

17-12-121. DUTY TO TRANSPORT PASSENGERS.

It shall be unlawful for any taxicab driver while engaged in operating a taxicab, except as permitted herein, to refuse to convey any person for any lawful purpose, with or without baggage, upon demand and tender of the lawful fare, or having undertaken to convey such person thereafter willfully to refuse or neglect so to do; provided, that there shall be no duty hereunder for any taxicab driver to transport any person who is in an intoxicated condition or who is acting in a loud, boisterous or unruly manner.

17-12-122. REFUSING TO PAY FARE.

It shall be unlawful for any person having hired any licensed public passenger vehicle, and having ridden therein, to refuse to pay his fare, not exceeding the rates prescribed in the schedule or zone maps permitted under this Chapter. It shall be unlawful for any taxicab driver to charge rates different from those so prescribed.

17-12-123. DEMAND OF FARE IN ADVANCE.

The owner or driver of any licensed public passenger vehicle shall have the right to demand in advance the minimum fare of any person employing him, and may refuse to convey any person who shall not comply with such demand.

17-12-124. DUTY TO DISCLOSE INFORMATION.

It shall be unlawful for the owner of any particular taxicab or for any taxicab driver upon being requested so to do by a passenger or officer of the Police Department to refuse to give the license number of the taxicab and the name of the taxicab driver thereof.

17-12-125. IDENTIFICATION.

It shall be unlawful for any taxicab to be operated in the City until the owner thereof shall have affixed in a conspicuous place on the rear window thereof a license plate or required identification which shall be issued by the license officer upon approval of the same by the Council.

17-12-126. RECORD OF BUSINESS.

Every person engaged in driving a taxicab shall keep a true and exact record of every trip he shall make. Said record shall show the exact time of departure from the place of employment, the place where every stop was made, the length of time that elapsed at such stop, the exact time when the employment terminated, and the place where the passenger, or if more than one, where each passenger was discharged, which record shall at all times be open to the inspection of any law enforcement officer upon demand.

17-12-127. INTOXICATING LIQUORS.

It shall be unlawful for any person while engaged in operating a taxicab to drink intoxicating liquors or alcoholic beverages of any kind, including beer, regardless of the limit of its alcoholic content.

17-12-128. RECIPROCITY.

Taxicabs duly licensed in another city or county, which have substantially the same requirements as this Chapter, shall be required to only fill out an application and pay the per-vehicle fees each year as set forth in the Consolidated Fee Schedule.

**CHAPTER 17-13
BURGLAR AND ROBBERY ALARM SYSTEMS**

Sections:

- 17-13-101. Definitions.
- 17-13-102. License Required.
- 17-13-103. Deliberate False Alarms.
- 17-13-104. City Liability Limitations.

17-13-101. DEFINITIONS.

(1) "Alarm Business" means any person engaged in the business of selling, leasing, installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving, or removing alarm systems in the City or the business of causing any of these things to occur.

(2) "Alarm Systems" means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this Subsection:

- (a) Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
- (b) Devices which are not installed, operated, or used for the purpose of reporting an emergency to the Police Department.
- (c) Alarm devices affixed to motor vehicles or mobile security devices, unless the vehicle is permanently affixed to the real property at the alarm site; and
- (d) Alarm devices installed on a temporary basis by the Police Department.

(3) "Emergency" means any situation in which property or human life is in jeopardy. This includes when there is reason to believe a crime is being committed.

(4) "Person" means and includes persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

(Ord. No. 00-39 Repealed & Replaced 06/07/2000)

17-13-102. LICENSE REQUIRED.

(1) All persons engaged in an alarm business which has any principal business location in the City shall obtain and maintain a current business license from the City.

(2) In order to obtain a City business license, the person must show they have obtained and are maintaining a current Utah alarm company license in compliance with the provisions of the Burglar Alarm Security and Licensing Act, Section 58-55-101 et seq., Utah Code Annotated 1953, as amended.

(Ord. No. 00-39 Repealed & Replaced 06/07/2000)

17-13-103. DELIBERATE FALSE ALARMS.

A person is guilty of causing a deliberate false alarm if he intentionally activates or causes the activation of an alarm system knowing an emergency does not exist.

(Ord. No. 00-39 Repealed & Replaced 06/07/2000)

17-13-104. CITY LIABILITY LIMITATIONS.

The City shall not be liable for any defects in the operation of any alarm system, for any failure or neglect to respond to an alarm, nor for the failure or neglect of any person licensed in connection with the alarm business pursuant to this Chapter.

(Ord. No. 00-39 Repealed & Replaced 06/07/2000)

CHAPTER 17-14 AUCTIONS AND AUCTIONEERS

Sections:

- 17-14-101. Definitions.
- 17-14-102. Applications.
- 17-14-103. Character of Applicant.
- 17-14-104. Employees.
- 17-14-105. Exemptions.
- 17-14-106. Records.
- 17-14-107. Receipts.
- 17-14-108. Replenishing Items for Auctions.
- 17-14-109. False Bids.
- 17-14-110. Duty of Auctioneer.
- 17-14-111. Conduct of Auction.
- 17-14-112. Bond Required.

17-14-101. DEFINITIONS.

(1) **Auction House** means a business where property is sold on an ongoing basis by auction to the highest bidder.

(2) **Auctioneer** means a person who conduct an auction.

17-14-102. APPLICATIONS.

In addition to the information required by Section 17-1-105, applications for an auctioneers' license, or for a single auction, shall name the place of such auction; and such applications shall give the names of any employees, not to exceed two, who are to be authorized to conduct auctions under the authority of the license. Further, the application shall be accompanied by a true and correct inventory listing the articles proposed to be sold at said auction and setting forth a brief description of each article, whether the same is new or used, and setting forth a number for each such article which number shall correspond with the identifying number attached to the article as required by law.

17-14-103. CHARACTER OF APPLICANT.

A license shall not be issued to any person not of good character. The police shall investigate the character of each applicant before the license shall be issued.

17-14-104. EMPLOYEES.

Every person licensed as an auctioneer may designate not to exceed two employees who may be authorized by him to conduct auctions. The employer shall be liable for any violation of the state, county or city ordinances committed by such employees in conducting an auction.

17-14-105. EXEMPTIONS.

Nothing in this article shall be held to apply to any public auction or sale made or conducted by a public officer by virtue of any power or authority contained in a mortgage or trust deed, nor to any auction held for charitable or benevolent purposes, nor to any church affair, festival or bazaar, nor to the sale of animals.

17-14-106. RECORDS.

Before any sale is made at auction, the licensee must attach to each article to be sold, which has a retail value of Five Dollars or more, a card with an identifying number endorsed thereon, and each licensee shall maintain a list of all articles sold by him at auction at a retail price of Five Dollars or more, giving any identifying numbers or marks which may be upon the said articles; and indicating opposite the description of each article whether the same is new or used; showing the identifying number assigned to the article as required by this section, the name and address of the purchaser and the date of sale. The licensee shall keep said list for a period of one year following the date of the last sale shown on said list.

17-14-107. RECEIPTS.

Each licensee shall, at the time of selling an article at public auction, give to the purchaser thereof a receipt, which receipt shall contain the name of the licensee, date of sale, description of the article sold and the identifying number assigned to the article.

17-14-108. REPLENISHING ITEMS FOR AUCTIONS.

When any merchant or auction house advertises or announces a public auction of any kind with a specific stock of merchandise for sale, such stock shall not be replenished without the prior permission of the license officer. No article of property shall be offered for sale or sold at public auction unless said article has been within the State of Utah for at least ten days prior to said sale or offer of sale.

17-14-109. FALSE BIDS.

A person shall not act in any sale by auction as a "by-bidder" or "booster" to bid in behalf of the auctioneer or owner, or to run up the price of the article to be sold, or make any false bid. The licensee, or if a corporation, one of the officers of the licensee, shall remain in continuous attendance during the auction. All sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts in respect to the quality of the merchandise being sold.

17-14-110. DUTY OF AUCTIONEER.

It shall be the duty of all licensed auctioneers to receive articles to be offered for sale at auction, giving receipts therefore; and to sell as the owner directs. The auctioneer shall, at the close of such sale, deliver a fair account of same and pay the amount received for such articles to the person entitled thereto.

17-14-111. CONDUCT OF AUCTION.

All auctioneers are forbidden to conduct their sales in a disorderly manner or in such fashion as to constitute a public nuisance.

17-14-112. BOND REQUIRED.

Each licensee shall execute a bond to the City with corporate surety in the sum of \$1,000, conditioned upon the faithful observance of all laws and ordinances of the City, and the honest performance of all duties required by this or other ordinance and for the protection of persons dealing with such auctioneer against fraud, deception and imposition; said bond to be approved by the City Attorney's Office and filed with the Business License Division.

**CHAPTER 17-15
BICYCLE SHOPS**

Sections:

- 17-15-101. Definition.
- 17-15-102. State Statute Adopted.
- 17-15-103. Duty to See to Licensing of Cycles.
- 17-15-104. Record, Report of Sales.
- 17-15-105. Sale of Cycles without Serial Number.
- 17-15-106. Rental Agencies.
- 17-15-107. Transfer of Ownership.
- 17-15-108. Customer Copy.

17-15-101. DEFINITION.

Cycle means a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having one or more wheels in tandem or other arrangement. Cycles with wheels of at least 20 inches in diameter and frame size of at least 14 inches shall be subject mandatory to this Article. Others may be licensed by owner upon request.

17-15-102. STATE STATUTE ADOPTED.

The Utah State statute dealing with the licensing and registering of cycles by dealers is hereby adopted.

17-15-103. DUTY TO SEE TO LICENSING OF CYCLES.

All cycle dealers operating within the City shall license or arrange to have licensed at the time of purchase all cycles sold by them.

17-15-104. RECORD, REPORT OF SALES.

All dealers in cycles shall keep a record on all cycles sold by them and furnish, within 30 days of sale, the Police Department with the following information:

- (1) The name and address of the retailer;
- (2) The year and make of the cycle;
- (3) A general description of the cycle;
- (4) Frame number; and
- (5) Name and address of the purchaser.

17-15-105. SALE OF CYCLES WITHOUT SERIAL NUMBER.

All cycle dealers within the City shall not sell any cycle which does not have a serial number on its frame. Where the cycle has no serial or frame number, the dealer shall be required to stamp or have stamped on the frame the number of the license to be issued for that cycle, the year in which the license was issued or the year of expiration of license and the name of the city.

17-15-106. RENTAL AGENCIES.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is appropriately equipped as provided for in this Chapter.

17-15-107. TRANSFER OF OWNERSHIP.

Upon sale or other transfer of a licensed bicycle, the licensee shall remove the license and shall either surrender same to the City or may, upon proper application, have said plate assigned to another cycle owned by the applicant for one-half the annual fee.

17-15-108. CUSTOMER COPY.

A copy of Title 22, Chapter 6, West Valley City Code, governing cycle ownership, maintenance, safety and use, shall be given to every renter or purchaser of a new or used cycle.

**CHAPTER 17-16
CHRISTMAS TREE BUSINESS**

Sections:

- 17-16-101. Definitions.
 - 17-16-102. Business Requirements.
 - 17-16-103. Unlawful to Possess or Sell Untagged Trees.
 - 17-16-104. Application for License.
 - 17-16-105. Zoning Requirements.
 - 17-17-106. Clean-up Deposit.
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17-16-101. DEFINITIONS.

(1) **Christmas Tree** means a cut tree, usually fir or evergreen, but including any tree sold to be decorated and used as part of the Christmas celebration and commemoration.

(2) **Christmas Tree Business** means to sell, offer to sell or display for sale Christmas trees, to the public, for profit. Each location at which Christmas trees are sold, offered or displayed for sale shall be considered a separate business.

17-16-102. BUSINESS REQUIREMENTS.

It shall be unlawful for any person or entity to operate a Christmas tree business without meeting the requirements of this Chapter and obtaining a business license as required by this Title.

**17-16-103. UNLAWFUL TO POSSESS OR SELL
UNTAGGED TREES.**

It shall be unlawful for any person to have in his possession for sale, or to sell or offer for sale in this City trees from within the public domain of the United States, or of the State of Utah, or from any private lands, within or without the State of Utah, without written authority having been first obtained from the United States, said State of Utah, or from the owner of such private lands, as the case may be, to cut and remove such trees. The trees shall have been officially tagged with a tag furnished or approved either by the United States Forest Service or the Department of Forestry of the State of Utah.

17-16-104. APPLICATION FOR LICENSE.

In addition to the information required by Section 17-1-105, an application to sell and dispose of Christmas trees within the City shall specifically state and set forth the source of title to the trees to be sold and whether the trees or any of them were cut or procured within any public domain of the United States, or of the State of Utah, or from any private lands, either within or without the State of Utah. Applicants shall be required in connection with such application to furnish the license officer with evidence of ownership of such trees and/or authority to cut and procure the same from the public domain or from private lands.

17-16-105. ZONING REQUIREMENTS.

A license to operate a Christmas tree business shall not be issued to any applicant who does not meet the requirements of Section 7-2-115 of this Code or such other zoning requirements as may be applicable. The application shall be reviewed and approved by the Planning and Zoning Division prior to issuance of a license.

17-16-106. CLEAN-UP DEPOSIT.

A clean-up deposit shall be required of the licensee to assure the removal of unsold trees and related debris remaining on the premises at the conclusion of the license period. The deposit shall be refunded to the licensee, provided the premises are left clean and free of the unsold trees and related debris as determined by inspection. The amount of the deposit shall be set forth in the Consolidated Fee Schedule.

**CHAPTER 17-17
EMPLOYMENT AGENCY**

Sections:

- 17-17-101. Definition.
- 17-17-102. Licensed Premise.
- 17-17-103. Industrial Commission License.
- 17-17-104. Issuance of the License.
- 17-17-105. Bond.
- 17-17-106. Sending females to houses of ill-fame prohibited -revocation of license.
- 17-17-107. Referrals on bona fide orders only.
- 17-17-108. Taking Commission in Advance Unlawful.
- 17-17-109. Commission to be returned if employment not secured.
- 17-17-110. Schedule of Fees – Fee Limitations.
- 17-17-111. Register of Employers to be kept.
- 17-17-112. Register of applicants to be kept - open for inspection.
- 17-17-113. Statement to be furnished applicants.
- 17-17-114. Dividing of Fees Prohibited.
- 17-17-115. False statements - failure to keep registers - other violations - penalty.
- 17-17-116. Religious or Charitable Associations Accepted from Chapter.
- 17-17-117. Copies of Laws to be Posted.

17-17-101. DEFINITION.

Employment Agency means a business opened, established or operating for the purpose of procuring or obtaining, for money or other valuable consideration, either directly or indirectly, any work, employment or occupation for persons seeking the same, or otherwise to engage in the business or in any way to act as a broker or go-between, between employers and persons seeking work.

17-17-102. LICENSED PREMISE.

A license shall not be granted to any person to conduct the business of an employment agency within the City to be exercised in any room or rooms or in connection with any room or rooms used as living or sleeping places by any family, or in which sleeping rooms are rented or meals served to the public or where any games, cards, pool or billiards are permitted and violation of this provision shall be grounds for revocation of license.

17-17-103. INDUSTRIAL COMMISSION LICENSE.

A duplicate copy of the license issued to the applicant by the Utah Industrial Commission shall be submitted at the time of making application and no license shall be issued until such state license shall have been granted and a copy of the same filed with the Business License Officer.

17-17-104. ISSUANCE OF THE LICENSE.

The City shall either deny or issue the license within one week after the application is submitted and the license fee is paid.

17-17-105. BOND.

Each applicant for license under the provision of this Chapter shall file a bond in the penal sum of \$1,000 with two or more sureties to be approved by the City Attorney's Office. The bond shall be made payable to the City and shall be conditioned that the person applying for the license will comply with all laws and ordinances regulating employment agencies and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud, or deceit of the licensee or by any other violation of law or ordinances regulating employment agencies. If, at any time in the opinion of the City Attorney's Office, the sureties or any of them shall become irresponsible, the licensee shall, upon notice from the City Treasurer, give a new bond. Failure to give a new bond within 10 days after such notice shall operate as a revocation of such license, and the certificate of license shall be immediately returned to the City.

17-17-106. SENDING FEMALES TO HOUSES OF ILL-FAME PROHIBITED - EVOCATION OF LICENSE.

(1) It shall be unlawful for any licensee to knowingly send any female help to any place of bad repute, house of ill-fame, assignation house, or to any house or place of amusement kept for immoral purposes.

(2) In addition to criminal prosecution for violation of this section, the licensee shall have his or her license revoked.

17-17-107. REFERRALS ON BONA FIDE ORDERS ONLY.

Any licensee who sends out any help without having previously obtained a bona fide order therefore shall, for each and every offense, be subject to the penalties provided in Section 17-17-115.

17-17-108. TAKING COMMISSION IN ADVANCE UNLAWFUL.

It shall be unlawful for any licensee to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment for any information or assistance furnished or to be furnished by the agent to such person, enabling or tending to enable such person to secure such employment, prior to the time such information or assistance is actually furnished.

17-17-109. COMMISSION TO BE RETURNED IF EMPLOYMENT NOT SECURED.

It shall be unlawful for a licensee to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance described in

Section 17-17-101. If the person for whom such information or assistance is furnished fails through no neglect or fault of his own to secure the employment regarding which such information or assistance is furnished, the money or consideration shall be returned forthwith by the agent to the payer of the same upon demand.

17-17-110. SCHEDULE OF FEES – FEE LIMITATIONS.

Every licensee shall file with the Industrial Commission a schedule of fees to be charged and collected in the conduct of its business, which schedule shall also be posted in a conspicuous place in the agency. Changes in the schedule may be made, but no change shall become effective until seven days after the date of refile thereof with the Industrial Commission. No fee charged or collected shall be in excess of the fee as scheduled and in force at the time of the issuing of the contract for employment. In addition, no licensee shall charge any fee in excess of 25 percent of the amount actually earned in the employment during the first 30 days if such employment was ended during such 30-day period.

17-17-111. REGISTER OF EMPLOYERS TO BE KEPT.

Each licensee shall enter upon a register, to be kept for that purpose and to be known as an "employers' register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual from whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, including street and number if any, where such work or employment is to be furnished and the wages to be paid.

17-17-112. REGISTER OF APPLICANTS TO BE KEPT - OPEN FOR INSPECTION.

Each licensee shall keep a register, to be known as "labor applicants' register," which shall show the name of each person seeking work or employment to whom information or assistance is furnished and the amount of the commission received in each such case therefore; the name of each person who, having received and paid for any information or assistance, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why such employment was not by such person secured, and the name of each to whom return is made in accordance with the provisions of Section 17-17-109 of any money or other consideration, together with the amount or the value of consideration thus returned. The registers required by Section 17-17-111 and by this Section shall be open at all reasonable hours to the inspection of any peace officer of this State.

17-17-113. STATEMENT TO BE FURNISHED APPLICANTS.

Every person securing information from a licensee relative to hiring or engagement to work for others shall be furnished a written copy, in duplicate, of the terms of such hiring or engagement, by the licensee, showing the amount of commissions or fees paid to such licensee, the kind of service to be performed, the rate of wages or compensation, the length of time, if definite, and if indefinite, so stated, of such service, with full name and address of the person authorizing the hiring of such person. One of these copies shall be delivered to the person for whom the labor is to be performed and the other shall be retained by the person furnished with the information, and the licensee issuing the written copy of the conditions of service or employment shall make and keep in a book provided for the purpose a third copy of the same. Any licensee who fails to observe the provisions of this section shall be subject to the penalties provided in this Chapter.

17-17-114. DIVIDING OF FEES PROHIBITED.

Any employment agent sending out help to contractors or other employers of help and dividing the fees allowed under this Chapter with subcontractors and employers of help, or their foremen or anyone in their employ, shall be subject to the penalties provided in this Chapter.

17-17-115. FALSE STATEMENTS - FAILURE TO KEEP REGISTERS – OTHER VIOLATIONS - PENALTY.

If any licensee gives any false information or makes any misstatement or any false promises concerning any work or employment or occupation, or fails to keep the registers as prescribed in this Chapter, or shall willfully make any false entries in such register or shall violate any other provisions of this Chapter for which violation penalties are not hereinbefore provided, he shall for each and every offense be fined in any sum not exceeding \$100, and in the discretion of the trial court, his license may be revoked.

17-17-116. RELIGIOUS OR CHARITABLE ASSOCIATIONS ACCEPTED FROM CHAPTER.

Nothing contained in this Chapter shall be construed so as to require any religious or charitable association which may assist in procuring situations of employment for persons seeking the same to obtain a license therefore.

17-17-117. COPIES OF LAWS TO BE POSTED.

The licensee shall cause two copies of Sections 17-17-107 to 17-17-110 inclusive, and of Sections 17-17-113 to 17-17-115, inclusive, printed in type of sufficient size to be easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment agency.

CHAPTER 17-18 LOCKSMITHING

Sections:

- 17-18-101. definitions.
- 17-18-102. Licenses.
- 17-18-103. Application.
- 17-18-104. Police Investigation.
- 17-18-105. Bond Requirements.
- 17-18-106. License Records.
- 17-18-107. Exceptions.

17-18-101. DEFINITIONS.

(1) **Locksmithing** means the installation, change, removal, construction, reconstruction, repair, adjustment, manufacture or duplication of locks, combination for sales, toolboxes, vaults and the duplication of keys.

(2) **Key Duplicating** means solely the duplication of any keys by mechanical or other means.

17-18-102. LICENSES.

(1) Each locksmithing license shall include the right to engage in the business of locksmithing and key duplicating.

(2) Each key duplicating license shall include only the right to engage in the business of key duplicating.

17-18-103. APPLICATION.

In addition to the information required by Section 17-1-105, the application for either a locksmithing license or key duplicating license shall include:

- (1) A concise history of the applicant's employment;
- (2) The applicant's name and length of residency in the State of Utah;
- (3) The names and addresses of three character references; and
- (4) A statement disclosing whether applicant has ever been convicted of a felony or misdemeanor and, if so, the nature of the offense and where and when it was committed.

17-18-104. POLICE INVESTIGATION.

(1) Applications shall be referred to the Police Department for their approval or denial.

(2) The Police Department shall deny an application only if the applicant has not been convicted of any misdemeanor involving theft or any felony.

(3) The applicant shall also obtain a police I.D. card.

17-18-105. BOND REQUIREMENTS.

All licensees shall be required, before issuance of a license hereunder, to deposit with the City a surety bond in the penal sum of \$1,000 for locksmithing licenses and \$1,000 for key duplicating licenses, conditioned that said licensee shall faithfully observe and comply with all ordinances and laws pertaining to locksmithing and key duplicating and that such bond shall indemnify the City and

any person injured or damaged by reason of the failure of the licensee to so comply.

17-18-106. LICENSE RECORDS.

Each licensee shall keep for a minimum of two years orderly and adequate records containing the following, which shall be open to inspection by a police officer at any reasonable time:

(1) The name and address of every person for whom a key is made from a key bearing the imprint "M" or "Master" or other recognizable mark indicating it is a master key, together with the name and address of every person for whom a locked automobile, building, structure, house, store, safe or vault is opened and the date of transaction.

(2) The name and address of every person for whom a lock or combination of a lock is changed and the date of the transaction.

17-18-107. EXCEPTIONS.

The requirements of this ordinance shall not apply to the following:

(1) Persons otherwise licensed by the City or the State of Utah as a contractor or carpenter who installs a lock as part of a door or remodeled door when the lock and key come from a manufacturer's stock and the installation does not involve adjustment or reconstruction of the lock.

(2) A person or an employee of a firm or corporation who is duly licensed to conduct such business in an area outside the jurisdiction of the City and who is not otherwise subject to the provisions of this law, when their work in the City does not involve, in a six-month period, more than one contract and one day to perform.

CHAPTER 17-19
LIQUIDATION AND FIRE OR DAMAGED GOODS
SALES

Sections:

- 17-19-101. Definitions.
 - 17-19-102. Application.
 - 17-19-103. Issuance and Duration of License.
 - 17-19-104. Renewal of License.
 - 17-19-105. Advertising Restrictions.
 - 17-19-106. Adding to Inventory.
 - 17-19-107. Records to be Kept.
-

17-19-101. DEFINITIONS.

(1) **Fire and Damaged Goods** applies to goods, wares and merchandise being offered for sale as a result of fire, smoke, water, wind, earthquakes, acts of God or other incidents of similar nature but does not apply to goods, wares and merchandise damaged in transit or by handling, dropping, nicking, scratching or other similar damage occurring within or incident to the regular conduct of business.

(2) **Liquidation** applies to goods that are being sold by a business that is selling out or closing down for any reason.

17-19-102. APPLICATION.

In addition to the information required by Section 17-1-105, the following information:

(1) A complete inventory of all goods, wares and merchandise, existing at the place of business immediately after the occurrence of the reason or cause of damage.

(2) The items of such inventory that will be the subject of the sale.

(3) An affidavit of the correctness of the inventory and the cause of the damage or reason for liquidation.

17-19-103. ISSUANCE AND DURATION OF LICENSE.

Upon the filing of the inventory and affidavit referred to in the preceding section, the Business License Division shall issue a license to conduct a liquidation or a fire and damaged goods sale which shall be effective for a 30-day period following its issuance.

17-19-104. RENEWAL OF LICENSE.

A license shall be renewed for an additional 30-day period providing a sworn affidavit and inventory showing the unsold goods, wares or merchandise is furnished to the license director, provided that the Business License Division is satisfied that such items were part of and included in the original inventory. In no event shall a license be more than twice renewed.

17-19-105. ADVERTISING RESTRICTIONS.

It shall be unlawful for any person to advertise a liquidation or a fire and damaged goods sale in other than a

concise and clear manner so as not to deceive the public. All advertising shall state that such sale is not a termination of the entire business but is a special sale.

17-19-106. ADDING TO INVENTORY.

A permittee shall not add, cause to or permit to be added to the liquidation or the fire and damaged goods, any items not described in the original inventory.

17-19-107. RECORDS TO BE KEPT.

The permittee shall keep complete and suitable records and books of all sale items which shall be available at all times to inspection by the license director. The inventory list shall be revised at the close of business each day by the permittee so that such items as shall have been disposed of during such day shall be clearly marked. The records and inventory herein referred to shall be submitted to the license director upon request.

CHAPTER 17-20
MOBILE HOME PARKS AND TRAILER AND AUTO
COURTS

Sections:

- 17-20-101. Definitions.
- 17-20-102. Employees.
- 17-20-103. Permanent Use.
- 17-20-104. Exceptions.
- 17-20-105. License Fee.

17-20-101. DEFINITIONS.

(1) **Mobile Home** means a structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(2) **Mobile Home Park** means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

(3) **Trailer** means a furnished van drawn by a truck or automobile and used as a house or office when parked.

17-20-102. EMPLOYEES.

It shall be unlawful to hire or keep as manager, superintendent or person in charge of a mobile home park any person who is not a person of good character, or any person who has been convicted of a felony.

17-20-103. PERMANENT USE.

(1) It shall be unlawful for any person to maintain any mobile home used for human habitation, upon any plot of ground in the City except in a licensed mobile home park.

(2) It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix the mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the mobile home into a building and subject to the requirements of the zoning and building ordinances.

(3) It shall be unlawful to occupy for sleeping or other residence purposes any mobile home which has been rendered immobile by the removal of wheels, or placing the same on a foundation, or on the ground, unless such mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single-family dwellings.

17-20-104. EXCEPTIONS.

Nothing in this ordinance shall be construed to prohibit the storage of any mobile home for any length of

time when said mobile home is not used for living or sleeping purposes.

17-20-105. LICENSE FEE.

(1) Owners of mobile home parks shall pay the base fee and variable fees set forth in the Consolidated Fee Schedule.

(2) The base business license fee shall be paid at the time of application for a new or renewal license.

(3) The Business and Economic Services Administrator may, with the approval of the City Manager, establish a payment plan or plans which allow the licensee to pay the per-unit fees in two, three, or four equal installment payments, made at regular intervals during the term of the license.

(4) Failure to timely make a payment required pursuant to a payment plan as described above may result in the suspension or revocation of the license and the imposition of penalty fees as set forth in this Title.

(5) Owners of mobile home parks who are required to license under this Section, whose application for a license is received between July 1 and July 30, 1993, inclusive, shall receive a license which expires on June 30, 1994. Owners whose application is received during the July 1993 period shall be charged a per-unit fee equal to the fee which was in effect during June 1993.

(6) On August 1, 1993, all applicants for new or renewal licenses shall pay the unit fee set forth in the Consolidated Fee Schedule in effect at the time of the application or renewal.

(7) Mobile home park owners may request a partial waiver of the per-unit variable fees when the average vacancy rate for the prior license period exceeded 15 percent. The partial waiver shall be administered as follows:

- (a) The owner of the mobile home park must request the partial waiver at the time of business license renewal. The partial waiver applies to the per-unit variable fees due upon renewal, not to the base fee, other variable fees, or any previous license fees or period.
- (b) The owner of the mobile home park must demonstrate, to the satisfaction of the Business and Economic Services Administrator or designee, as reviewed by the Community Development Director, that the average vacancy rate for the one year period immediately prior to renewal exceeded 15 percent of the licensed units.
- (c) The total per-unit variable fees payable shall be reduced by a percentage equivalent to the difference between the actual average vacancy rate, as demonstrated by the owner of the mobile home park, and the threshold 15 percent vacancy rate. For example, if the actual vacancy rate is 20 percent, the difference between the actual rate and the 15

percent threshold is 5 percent, and the total per-unit variable fees would be reduced by 5 percent.

**CHAPTER 17-21
OUTDOOR ADVERTISERS**

Sections:

- 17-21-101. Definition.
 - 17-21-102. Applications.
 - 17-21-103. Consent of Owner.
 - 17-21-104. Refuse.
 - 17-21-105. Unlawful Advertising.
 - 17-21-106. Compliance with Applicable Laws.
 - 17-21-107. Name of Advertiser.
 - 17-21-108. Exemptions.
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17-21-101. DEFINITION.

Advertiser means any person engaged in the business of placing, posting or painting any advertisements, notices or displays in or on any place for the purpose of outdoor advertising so that the resultant display is visible from any street, alley, sidewalk or other public place.

17-21-102. APPLICATIONS.

In addition to any other information required by Section 17-1-105, applications for advertiser licenses shall be accompanied by a list of all places, including billboard or natural structures, on which it is intended to place signs or advertisements. This list shall be amended from time to time by the licensee as the right to post or place advertisements or signs on additional places is acquired.

17-21-103. CONSENT OF OWNER.

It shall be unlawful to post any advertisement on any premises in the City without the consent of the owner of such premises. Such consent must be in writing and must be filed with the license director.

17-21-104. REFUSE.

It shall be unlawful for any person engaged in outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the City except by placing it in properly established refuse receptacles. It shall be unlawful to permit any loose or flapping combustible materials to hang from or to be attached to any billboard, signboard or other place used for display or advertising purposes. All refuse resulting from the operating of this business must be carefully gathered and properly disposed of.

17-21-105. UNLAWFUL ADVERTISING.

It shall be unlawful for any person to post or display any advertisement of an obscene or immoral character, any advertisement tending to promote or cause a riot or breach of peace, any advertisement for an unlawful gathering, or advertisements of unlawful sales.

17-21-106. COMPLIANCE WITH APPLICABLE LAWS.

All outdoor advertisers shall comply with the applicable federal and state laws regulating the placement and display of outdoor advertising.

17-21-107. NAME OF ADVERTISER.

It shall be unlawful for any outdoor advertiser to carry on his business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by him, or in any notice, placard or advertisement posted by him, in such lettering as to be visible from a distance of at least five feet from the notice or advertisement.

17-21-108. EXEMPTIONS.

The provisions of this ordinance shall not be construed to apply to the posting of a sign or notice by order of any court or by any public officer in the performance of his duties.

**CHAPTER 17-22
SOLICITORS, PEDDLERS, VENDORS, AND
TEMPORARY BUSINESSES**

Sections:

- 17-22-101. Permit Requirements and Exemptions.
- 17-22-102. Permit for Sponsoring Juvenile Peddlers.
- 17-22-103. Permit Application.
- 17-22-104. Fees.
- 17-22-105. Bond.
- 17-22-106. Application Review and Permit Issuance.
- 17-22-107. Denial of Permit.
- 17-22-108. Permit Expiration.
- 17-22-109. Police Work Card Required.
- 17-22-110. Permit Exhibition.
- 17-22-111. Transfer Prohibited.
- 17-22-112. Entry Upon Signed Premises Unlawful.
- 17-22-113. Hours of Solicitation.
- 17-22-114. Permit Revocation.
- 17-22-115. Appeals.
- 17-22-116. Claims of Exemption.
- 17-22-200P Part 2 – Vendors
- 17-22-201. Purpose and Intent.
- 17-22-202. License Required.
- 17-22-203. Application for License.
- 17-22-204. Health Inspection Certificate.
- 17-22-205. Issuance of License.
- 17-22-206. License Fees.
- 17-22-207. Display of Work Cards and Other Permits.
- 17-22-208. Notification of Name or Address Change.
- 17-22-209. Exemptions.
- 17-22-210. Claims of Exemption.
- 17-22-211. Hours of Operation.
- 17-22-212. Littering and Trash Removal.
- 17-22-213. Vending Restrictions.
- 17-22-214. Prohibited Conduct.
- 17-22-215. Use of Public Streets.
- 17-22-216. Suspension and Revocation of License.
- 17-22-217. Appeals.
- 17-22-218. Renewals.
- 17-22-219. Construction.
- 17-22-300P Part 3 - Temporary Businesses
- 17-22-301. License Required.
- 17-22-302. License Fee.
- 17-22-303. Participant License Required.
- 17-22-304. Participant License Fee.
- 17-22-305. Temporary Business Sponsor License Required.
- 17-22-306. Temporary Business Sponsor License Fee.
- 17-22-307. Information required for participation in sales events.
- 17-22-308. Determination of Status -- Appeals.
- 17-22-309. Each sale without a license -- separate offense.
- 17-22-310. Bond.
- 17-22-400P Part 4 - Aggressive Solicitation
- 17-22-401. Definitions.
- 17-22-402. Prohibited Acts.

17-22-101. PERMIT REQUIREMENTS AND EXEMPTIONS.

It shall be unlawful for any person 18 years of age or older to engage in peddling or solicitation activities within West Valley City without first obtaining a permit issued by the Business License Division; provided, however, that the following are exempted from the provisions of this Section:

(1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(3) Any solicitation in the form of a collection at a regular meeting, assembly, or service of a charitable person; or

(4) Any solicitation for the relief of any person specified by name at the time of the solicitation, where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-102. PERMIT FOR SPONSORING JUVENILE PEDDLERS.

(1) No person under the age of 18 shall be permitted to engage in peddling, except as provided in this Section.

(2) A permit shall be obtained by a sponsoring person, company, or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.

(3) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(4) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification, which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-103. PERMIT APPLICATION.

Every person subject to the provisions of this Chapter shall file with the Business License Division an application, in writing, on a form to be furnished by the Division, which shall provide the following information:

(1) Proof of age, address, and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(2) A brief description of the business or activity to be conducted;

(3) The hours and location for which the right to peddle or solicit is desired;

(4) If employed, the name, address, and telephone number of the employer; or if acting as an agent, the name, address, and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor, or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof; and

(6) Proof of possession of any license or permit that, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or that, under any such law or regulation, would exempt the applicant from the licensing requirements of this Chapter.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-104. FEES.

At the time the application is filed with the Division, the applicant shall pay to the City a fee to cover the City's costs of processing the application and investigating the facts stated therein. The permit fee shall be as stated in the Consolidated Fee Schedule.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-105. BOND.

All solicitors who require cash deposits or take orders for cash on delivery (C.O.D.) purchases, or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery or services to be performed in the future, shall furnish to the Division a bond in the amount of \$15,000.

(Ord. No. 97-62 Rep. & Reen 09/26/1997)

17-22-106. APPLICATION REVIEW AND PERMIT ISSUANCE.

(1) Upon receipt of an application, the Director shall review the application as deemed necessary to ensure the protection of the public health, safety, and general welfare.

(2) If the Director finds the application to be satisfactory, the Director shall endorse his/her approval on the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

(3) The permit shall show the name and address of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

(4) The Division, for a period of two years, shall maintain a record of all permits issued.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-107. DENIAL OF PERMIT.

(1) Upon review of the application, the Director may refuse to issue a permit to the applicant under this Chapter for any of the following reasons:

- (a) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers, or their customers;
- (b) An investigation reveals that the applicant falsified information on the application;
- (c) The applicant has been convicted of a felony, misdemeanor, or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;
- (d) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit, or misrepresentation has been entered within the five years immediately preceding the date of application;
- (e) There is no proof as to the authority of the applicant to serve as an agent to the principal indicated in the application; or
- (f) The applicant has been denied a permit under this Chapter within the immediately past year, unless the applicant can and does show to the satisfaction of the Director that the reasons for such earlier denial no longer exist.

(2) The Director's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that the application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-108. PERMIT EXPIRATION.

All permits issued under the provisions of this Chapter shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

(Ord. No. 97-62 Rep & Reen 09/26/1997)

17-22-109. POLICE WORK CARD REQUIRED.

At the time the permit is issued, each permittee shall obtain a work card from the Police Department, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the City. The applicant shall pay the fee for the work card, as established in the Consolidated Fee Schedule, in addition to any application fees for the permit.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-110. PERMIT EXHIBITION.

Every person required to obtain a permit under the provisions of this Chapter shall exhibit the permit when requested to do so by any prospective customer, Police Officer, or employee of the Business License Division.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-111. TRANSFER PROHIBITED.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this Chapter.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-112. ENTRY UPON SIGNED PREMISES UNLAWFUL.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, including charitable solicitations, to enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-113. HOURS OF SOLICITATION.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, including charitable solicitations, shall enter upon any private property, knock on doors, or otherwise disturb persons in their residences between the hours of 9 p.m. and 9 a.m.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-114. PERMIT REVOCATION.

Any permit issued under this Chapter may be revoked or suspended by the Business License Division for any of the following reasons:

- (1) Fraud, misrepresentation, or false statement contained in the application for a permit;
- (2) Fraud, misrepresentation, or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- (3) The conduct of peddling or solicitation activities contrary to the provisions contained in the permit;
- (4) Conviction for any crime involving moral turpitude; or
- (5) The conduct of peddling or solicitation activities in such a manner as to create a public nuisance; constitute a breach of the peace; or endanger the health, safety, or general welfare of the public.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-115. APPEALS.

A permittee whose permit is revoked, suspended, or denied may appeal to the License Hearing Board. The

Appeals Procedure shall be as provided in Section 17-3-106 of the West Valley City Code.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-116. CLAIMS OF EXEMPTION.

Any person claiming to be legally exempt from the regulations set forth in this Chapter, or from the payment of a permit fee, shall cite to the Division the statute or other legal authority under which exemption is claimed and shall present to the Director proof of qualification for such exemption.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-200P PART 2 – VENDORS**17-22-201. PURPOSE AND INTENT.**

It is the intent of this Chapter:

- (1) To serve and protect the health, safety, and welfare of the general public;
- (2) To establish a uniform set of rules and regulations that are fair and equitable; and
- (3) To enhance the overall safety, appearance, and environment along public streets, pedestrian ways, and other public properties.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-202. LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of vending unless he/she has first obtained a license from the Business License Division. All licenses shall be issued according to regulations established by the Division.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-203. APPLICATION FOR LICENSE.

The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued, including, but not limited to:

- (1) The applicant's full name, current address, telephone number, and proof of identity;
- (2) A brief description of the nature, character, and quality of goods, wares, or merchandise to be offered for sale;
- (3) The specific location, if any, in which the vendor intends to conduct business;
- (4) If the applicant is employed by another, the name and address of the person, firm, association, organization, company, or corporation; and
- (5) If a motor vehicle is to be used, a description of the vehicle, together with the motor vehicle registration number and license number.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-204. HEALTH INSPECTION CERTIFICATE.

Any application for a vending license to engage in the sale of food or beverages shall require a health permit from Salt Lake County in addition to the regular vending license. The applicant's equipment shall be subject to inspections by the County Health Department at the time of application and at periodic intervals thereafter.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-205. ISSUANCE OF LICENSE.

(1) The Director shall notify the applicant in writing of the City's decision to issue or deny the vending license, not later than thirty 30 days after the applicant has filed a completed application with the Division. Any applicant for a license to sell food and beverages, whose application receives the approval of the county health department, shall be issued both a vending license and a health permit.

(2) Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle registration number. Each license shall also show the expiration date of the license and the vendor's plate number issued by the City.

(3) In addition to the vending license and any other permit required by this Chapter, the applicant shall obtain a work card from the Police Department. The applicant shall pay the fee for the work card as established in the Consolidated Fee Schedule, in addition to any application fees for the permit.

(4) All licenses, permits, and work cards issued pursuant to this Part are valid for one year, unless suspended or revoked, and shall be both non-assignable and non-transferable.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-206. LICENSE FEES.

Any vendor granted a vending license under this Chapter shall pay the annual license fee established in the Consolidated Fee Schedule.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-207. DISPLAY OF WORK CARDS AND OTHER PERMITS.

(1) Any license or permit issued by the Division shall be carried with the licensee whenever he/she is engaged in vending. Work cards and health permits shall also be properly and conspicuously displayed at all times during the operation of the vending business.

(2) A work card shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A health permit shall be deemed to be properly displayed when attached to the vending

pushcart, vehicle, stand, or other conveyance and clearly visible to the public and law enforcement officials.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-208. NOTIFICATION OF NAME OR ADDRESS CHANGE.

All vendors shall assure that a current and correct name, residence address, and mailing address are on file with the Business License Division. Whenever the name or address provided by a licensed vendor on his/her application for a vending license changes, the licensee shall notify the Director in writing within 14 days of such change and provide the same with the name change or address change.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-209. EXEMPTIONS.

The provisions of this Part do not apply to:

(1) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment, or transfer;

(2) The placing and maintenance of unattended stands or sales devices for the sale, display, or offering for sale of newspapers, magazines, periodicals, and paperbound books; or

(3) The distribution of free samples of goods, wares, and merchandise by any individual from his/her person.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-210. CLAIMS OF EXEMPTION.

Any person claiming to be legally exempt from the regulations set forth in this Part or from the payment of a license fee shall cite to the Director the statute or other legal authority under which exemption is claimed and shall present to the Director proof of qualification for such exemption.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-211. HOURS OF OPERATION.

Vendors shall be allowed to engage in the business of vending only between the hours of 8 a.m. and 9 p.m.; except, on school days, vendors shall be allowed to engage in the business of vending between the hours of 8 a.m. and 4 p.m., only if vending at least two blocks from churches, playgrounds, and schools. No vending station, conveyance, or other item related to the operation of a vending business shall be located on any city sidewalk or other public way during non-vending hours. No vehicle shall be parked, stored, or left overnight, other than in a lawful parking place.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-212. LITTERING AND TRASH REMOVAL.

(1) Vendors shall keep the sidewalks, roadways, and other spaces adjacent to their vending sites or locations

clean and free of paper, peelings, and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.

(2) Persons engaged in food vending shall affix to their vending station, vehicle, pushcart, or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-213. VENDING RESTRICTIONS.

No vendor shall be permitted to operate in the following areas of public space:

(1) Within 150 feet of any street intersection or pedestrian crosswalk.

(2) Within 50 feet of any driveway, loading zone, or bus stop.

(3) Within 50 feet of another vending location assigned to another vendor on a public sidewalk.

(4) Within a minimum of 25 feet of unobstructed pedestrian space.

(5) In any area within 300 feet of a building entrance or exit, or, in the case of a hotel or motel, within 250 feet of building entrances or exits.

(6) On the median strip of a divided roadway, unless the strip is intended for use as a public way, pedestrian mall, or plaza.

(7) Against display windows of fixed location businesses.

(8) Any area within two blocks of a hospital, college, university, elementary school, middle school, or high school.

(9) Within 50 feet of any fire hydrant or fire escape. No vending is allowed in a designated fire zone.

(10) Within 25 feet of any parking space or access ramp designated for persons with disabilities.

(11) Within any parking area, unless a portion of the parking area is blocked off by the property owner expressly for the use of vending, and the vending location otherwise complies with the distance limitations imposed by this Section.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-214. PROHIBITED CONDUCT.

No person authorized to engage in the business of vending under this Chapter shall do any of the following:

(1) Unduly obstruct pedestrian or motor vehicle traffic flow.

(2) Obstruct traffic signals or regulatory signs.

(3) Stop, stand, or park any vehicle, pushcart, or any other conveyance upon any street for the purpose of selling during the hours when stopping, standing, and parking have been prohibited by signs or curb markings.

(4) Leave any conveyance unattended at any time, or store, park, or leave such conveyance in a public space overnight.

(5) Use a handcart or pushcart whose dimensions exceed four feet in width, six feet in length, and seven feet in height.

(6) Use any stand or other fixed-location conveyance whose dimensions exceed five feet in width, eight feet in length, and seven feet in height.

(7) Use any conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, the licensee's employee, or an attendant.

(8) Sell any goods, wares, or merchandise within the right-of-way of public streets in a commercial or manufacturing zone; or within 200 feet of the boundary of a commercial or manufacturing zone; or in the right-of-way of arterial streets that have been, or shall be hereafter, so designated by the City.

(9) Sound any device that produces a loud and raucous noise, or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate Chapter 24-22 of the City Code, "Noise Control."

(10) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant; create a nuisance; increase traffic congestion or delay; constitute a hazard to traffic, life, or property; or obstruct adequate access to emergency and sanitation vehicles.

(11) Conduct business on private residential property.

(12) Conduct business on private commercial property, without the express written consent of the property owner.

(a) The written consent shall state the areas of the private property where business may be conducted.

(b) Written consent is required to obtain a license under Section 17-22-203.

(c) A person conducting business on private property must comply with this Part, in addition to any restrictions imposed by the private property owner.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-215. USE OF PUBLIC STREETS.

(1) It shall be unlawful to sell, offer to sell, or display for sale retail merchandise from or on motorized vehicles on public streets without a valid business license and except as authorized by this Title.

(2) Each person or business selling, offering to sell, or displaying for sale retail merchandise from or on motorized vehicles on public streets shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license or Police work card, and is a class B misdemeanor:

(a) The motorized vehicle shall have a clearly-audible backup warning device that activates whenever the vehicle is shifted into reverse gear.

- (b) The motorized vehicle shall have a convex mirror mounted on the front of the vehicle so that the driver, in a normal driving position, can see the area in front of the vehicle that is obscured by the hood.
- (c) The motorized vehicle shall have a flashing yellow beacon on the roof of the vehicle that is visible from all sides of the vehicle. This beacon shall be activated whenever merchandise is being sold, offered for sale, or displayed for sale.
- (d) The motorized vehicle shall have an operable swing-arm attached to its left side. This swing-arm shall be of a type, size, and description approved by the City, and shall be activated whenever the vehicle stops to sell, offer to sell, or display merchandise on a public street.
- (e) The motorized vehicle shall be prohibited from pulling any type of trailer.
- (f) If the merchandise being sold, offered for sale, or displayed for sale includes any item intended for human consumption, the vehicle shall be inspected and approved by the Salt Lake County Health Department on a yearly basis.
- (g) Retail merchandise may be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets only between the hours of one hour after sunrise and one hour before sunset. Sunrise and sunset shall be determined on any particular day by the times listed that day in any major newspaper published in Salt Lake County.
- (h) Retail merchandise may not be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets where the speed limit exceeds 25 miles per hour.
- (i) The operator of the motorized vehicle shall not sell to any person standing in the roadway.
- (j) The operator of the motorized vehicle shall sell, offer to sell, or display for sale retail merchandise only when the vehicle is completely stopped and lawfully parked, and shall sell only from the rear or side of the vehicle nearest to the curb or edge of the roadway.
- (k) The motorized vehicle shall not be moved backwards in order to sell, offer to sell, or display for sale retail merchandise.
- (l) Each applicant for a license or renewal under this Section shall submit, with its application, evidence of general liability insurance in an amount not less than \$500,000. The applicant must submit to the City a certificate of insurance that provides that the policy cannot be canceled prior to

giving the City at least 10 days written notice of cancellation.

- (m) The motorized vehicle and operator must comply with all other requirements of this Chapter and any other requirements of ordinance or statute that may be applicable.

(3) Each person selling, offering to sell, or displaying for sale retail merchandise from or on motorized vehicles on public streets shall obtain a West Valley City Police work card prior to beginning operation. The City may deny, suspend, or revoke a work card and license, if applicable, if the applicant or licensee has received a moving traffic violation within the last 12 months.

(4) The prohibitions of this Section shall not be construed to prohibit vehicles from carrying business markings or advertising not otherwise prohibited by law, nor shall they prohibit delivery of merchandise which was not sold or purchased on public streets.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-216. SUSPENSION AND REVOCATION OF LICENSE.

(1) In addition to any penalties that may be imposed, any license issued under this Chapter may be suspended or revoked for any of the following reasons:

- (a) Fraud, misrepresentation, or knowingly false statement contained in the application for the license;
- (b) Fraud, misrepresentation, or knowingly false statement in the course of carrying on the business of vending;
- (c) Conducting the business of vending in any manner contrary to the conditions of the license;
- (d) Conducting the business of vending in such a manner as to create a public nuisance; cause a breach of the peace; constitute a danger to the public health, safety, welfare, or morals; or interfere with the rights of abutting property owners; or
- (e) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.

(2) The Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of the appeal procedure. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

(3) If the City revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this Section may not apply for a new license for a period of one year from the date that the revocation took effect.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-217. APPEALS.

(1) If the Director denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the Director's decision to the License Hearing Board in accordance with Section 17-3-106 of the City Code.

(2) The filing of an appeal stays the action of the Director in suspending or revoking a license or permit or any part of the business operation being conducted under such license or permit until the License Hearing Board makes a final decision, unless the Director determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the Director shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation, or order.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-218. RENEWALS.

A vending license may be renewed, provided an application for renewal and license fees are received by the City no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The Director shall review each application for renewal and, upon determining that the applicant is in full compliance with the provisions of this Chapter, shall issue a new license.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-219. CONSTRUCTION.

No part of this Chapter or the Chapter itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights, or obligations provided to such property owners or their successors in interest under the law of real property or the laws of the State of Utah shall be in addition to the remedies, rights, obligations, or penalties provided hereunder.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-300P PART 3 - TEMPORARY BUSINESSES

17-22-301. LICENSE REQUIRED.

It is unlawful for any person to engage in, carry on, or conduct a temporary business in the City without first obtaining a license. Temporary businesses shall be subject to the regulations of this Title.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-302. LICENSE FEE.

The license fee for engaging in, carrying on, or conducting a temporary business shall be as stated in the Consolidated Fee Schedule.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-303. PARTICIPANT LICENSE REQUIRED.

A participant shall not be required to obtain the license required by Section 17-22-301, but it is unlawful for a participant to transact any business at a sales event without obtaining a license therefor and without acting under a licensed temporary business sponsor. Participants shall be subject to the regulations of this Title.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-304. PARTICIPANT LICENSE FEE.

The license fee for a participant shall be as stated in the Consolidated Fee Schedule.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-305. TEMPORARY BUSINESS SPONSOR LICENSE REQUIRED.

It is unlawful for any person to act in the capacity of a temporary business sponsor in the City without first obtaining a license. Temporary business sponsors shall be subject to the regulations of this Title.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-306. TEMPORARY BUSINESS SPONSOR LICENSE FEE.

The license fee for a temporary business sponsor shall be as stated in the Consolidated Fee Schedule.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-307. INFORMATION REQUIRED FOR PARTICIPATION IN SALES EVENTS.

(1) A temporary business sponsor or a licensed temporary business must submit to the Business License Division, at least 15 days prior to a sales event, the following information:

- (a) A list of all participants, including their names and addresses;
- (b) The location of the sales event; and
- (c) The dates of commencement and termination of the sales event.

(2) In the event the temporary business sponsor shall desire to add additional participants after the above information has been submitted, the sponsor must notify the Division and update the list of participants. Updates submitted less than 15 days prior to a sales event shall be charged a late fee established in the Consolidated Fee Schedule.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-308. DETERMINATION OF STATUS -- APPEALS.

(1) In case an applicant shall claim to be a permanent merchant and is required to take out a license upon the ground that the applicant is a temporary merchant, the Director shall notify the applicant in writing.

(2) The applicant may appeal the Director's decision to the License Hearing Board, pursuant to Chapter 17-3 of this Title.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-309. EACH SALE WITHOUT A LICENSE -- SEPARATE OFFENSE.

The sale of each article by a temporary merchant, a temporary merchant sponsor, or a participant without a license therefor shall be a separate offense under, and a separate violation of, this Chapter.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-310. BOND.

All temporary business sponsors shall furnish to the Division a bond or letter of credit in the amount of \$5,000.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-400P PART 4 – AGGRESSIVE SOLICITATION**17-22-401. DEFINITIONS.**

- (1) "Aggressive Manner" means and includes:
 - (a) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
 - (b) Following the person being solicited, if that conduct is:
 - (i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (ii) Intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - (c) Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:
 - (i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (ii) Intended to or is reasonably likely to intimidate the person being solicited

into responding affirmatively to the solicitation;

- (d) Intentionally or recklessly blocking the safe or free passage of the person or vehicle being solicited, or requiring the person or the driver of a vehicle to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued by the Police Department shall not constitute obstruction of pedestrian or vehicular traffic;
- (e) Intentionally or recklessly using:
 - (i) Obscene or abusive language or gestures intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (ii) Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
- (f) Approaching the person being solicited in a manner that is:
 - (i) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (ii) Intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(2) "Automated Teller Machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(3) "Automated Teller Machine Facility" means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(4) "Bank" means any licensed banking corporation or credit union operating in the City.

(5) "Check Cashing Business" means any person duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

(6) "Solicit," for the purposes of this Part, means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication. For the purposes of this Part, "solicit" includes soliciting, peddling, and vending as defined in this Title, including solicitation for charitable purposes.

(Ord. No. 97-62 Enacted 09/26/1997)

17-22-402. PROHIBITED ACTS.

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

- (1) In an aggressive manner in a public way;
- (2) In any public transportation vehicle or bus or subway station or stop;
- (3) Within 15 feet of any entrance or exit of any bank or check cashing business or within 15 feet of any automated teller machine during the hours of operation of such bank, automated teller machine, or check cashing business without the consent of the owner or other person legally in possession of such facilities; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property; or
- (5) From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows; or for blocking, occupying, or reserving a public parking space; or for directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

(Ord. No. 97-62 Enacted 09/26/1997)

CHAPTER 17-23
PAWN SHOPS, SECONDHAND DEALERS, ETC.

Sections:

- 17-23-101. Definitions.
- 17-23-102. New Merchandise Dealer/Trade-in/Dealer Exemption.
- 17-23-103. Only Individuals May Apply for a Dealer's License.
- 17-23-104. Police Check.
- 17-23-105. Bond Required.
- 17-23-106. Records to be Maintained.
- 17-23-107. Legibility and Inspection of Records and Premises.
- 17-23-108. Copies to Police Department.
- 17-23-109. Property to be Kept Thirty Days before Disposition.
- 17-23-110. Place of Business to be Closed During Certain Hours.
- 17-23-111. Dealing with Minors Prohibited.
- 17-23-112. Barrier Required Around Open Storage.
- 17-23-113. Secondhand Dealers - Restrictions.
- 17-23-114. Stolen Goods.
- 17-23-115. Conduct of Business - Partition.
- 17-23-116. Liability of Principal.
- 17-23-117. Ordinances Posted.
- 17-23-118. Right to redeem forfeited articles - interest rates.
- 17-23-119. Vehicles.
- 17-23-120. Premises.
- 17-23-121. Computer Reporting of Information.
- 17-23-122. Business Location; Supplemental License.
- 17-23-123. Reporting Changed Information.
- 17-23-124. Grounds for Denial, Suspension or Revocation of License.

17-23-101. DEFINITIONS.

(1) **Secondhand Dealer** means any person who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value, or who engages in the business of dealing in secondhand goods. For the purpose of this Chapter, a "secondhand dealer" shall not be meant to include any person who deals in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.

(2) **Secondhand Precious Metal Dealer/Processor and/or Precious Gem Dealer** means any person who engages in buying, selling or processing gold, silver (excluding coins), platinum, other precious metals, secondhand articles containing any of such metals, secondhand precious gems or any articles containing any precious gems.

(3) **Secondhand Store** means any location where a person keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value or who is engaged in the business of dealing in secondhand goods. "Secondhand store" shall not

be meant to include any person who deals in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.

(4) **Junk Dealer** means any person who engages in buying or selling old metals (other than precious metals), glass, rags, rubber, paper or other junk from a fixed place of business. They shall not be subject to the provisions of Sections 17-23-106 or 17-23-109.

(5) **Junk Collector** means any person not having a fixed place of business in the City who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in old rags, papers, metals or other articles commonly known as "junk." They shall not be subject to the provisions of Sections 17-23-106 or 17-23-109.

(6) **Antique Dealer** means any person engaged in the business of selling old or archaic items which are indicative of an older culture.

(7) **Coin Dealer** means any person who engages in the business of buying or selling coins having numismatic value. Coin dealers, when purchasing coins having numismatic value from members of a recognized numismatic society or customers registered with the dealer, need not comply with the provisions of Sections 17-23-106 or 17-23-109.

(8) **Processor** means any person who engages in refining or otherwise altering the form of precious metal not found in a natural state, i.e., raw ore.

(9) **Pawnbroker** means any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same. This definition shall also include "secondhand dealers," "secondhand precious metal dealer/processor and/or precious gem dealers," "antique dealers," "coin dealers," and "processors" as defined herein.

(10) **Pawnshop** means any location where a person loans money on deposit of personal property or deals in the person's exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes a receipt of such personal property into his possession and who sells the unredeemed pledges, together with such new merchandise, as will facilitate the sale of same.

(11) **Registered Customer** means any person who is registered with the dealer and who the dealer knows to be a reputable person in the community. A registered customer must complete a "Registered Customer Form" supplied by the Police Department and maintained in the dealer's records. The "Registered Customer Form" shall have a positive identification section and a section stating that the

registered customer certifies that property he/she will sell to the dealer meets the requirements of Section 17-24-106(1)(a).

(12) **Charitable Organizations** means any organization, group or church which receives personal property or secondhand goods from persons, groups or businesses but do not pay money or any other thing of value in return for received personal property or secondhand goods. Charitable organizations are not to be licensed or regulated by this Chapter.

(13) **Dealer** means all businesses or persons licensed under this ordinance.

17-23-102. NEW MERCHANDISE DEALER/TRADE-IN/DEALER EXEMPTION.

(1) The provisions of this Chapter are inapplicable to:

- (a) Any merchant or dealer whose principal business is the selling of new merchandise and secondhand merchandise is taken in as a trade incident to the sale of new merchandise; or
- (b) Any dealer who receives secondhand merchandise in trade for other secondhand merchandise of a higher value.

(2) Any dealer licensed by this Chapter when dealing with other licensed dealers, other licensed or registered businesses or persons, or when the dealer travels to the seller's residence to bid on and subsequently purchase goods other than gold, silver, or precious metals, need not comply with the provisions of Sections 17-23-106 or 17-23-109.

17-23-103. ONLY INDIVIDUALS MAY APPLY FOR DEALER'S LICENSE.

(1) If an application for a license is made on behalf of a corporation or limited partnership, the license shall be applied for by and issued to the president of the corporation or members of the partnership who are authorized to act for it.

(2) If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the partners who are authorized to act for the partnership. Where any partner is a corporation or limited partnership, the application shall be made by and issued to the president of the corporation or members of the limited partnership who are authorized to act for it.

(3) Each individual who applies for a dealer's license under this Section assumes, as an individual, all responsibilities of the dealer and, as an individual, is subject to all conditions, restrictions and requirements imposed on dealers.

17-23-104. POLICE CHECK.

Each individual applying for a pawnbroker, secondhand dealer or secondhand precious metal/gem dealer license shall not be issued a license if the applicant

has been convicted of theft or receiving stolen property or has completed serving a sentence for any conviction of theft or receiving stolen property, whichever is most recent, within the last five years.

17-23-105. BOND REQUIRED.

Every person licensed under this Chapter, except junk collectors, shall be required as a condition prerequisite to their obtaining a license or renewing a license provided for under this Chapter to deliver a surety bond of \$1,000 in a form and with sufficient sureties as is determined by the City Attorney for the faithful compliance with the provisions of this Chapter.

17-23-106. RECORDS TO BE MAINTAINED.

(1) It shall be unlawful for any person licensed by this Chapter to fail to use a standardized pawn card format and computer software approved by the Police Department, which the licensee shall use to enter at the time of purchase, in the English language:

- (a) The name, date of birth, address, and physical description of the person selling the secondhand property;
- (b) The driver's license number or any other positive form of identification containing a numerical identifier and a photograph of the person selling the secondhand property;
- (c) The date and time of the transaction;
- (d) The identification of the person making the record entry;
- (e) A description of the item purchased or obtained by the dealer, including, but not limited to, a description of the metallic composition, any jewels, stones, or glass, and a listing of all numbers, marks, monograms, trademarks, manufacturer's names, serial numbers, and any other marks of identification appearing on the item;
- (f) The weight of the item or items, where payment is based on weight; and
- (g) The consideration paid for the item, or if pawned, the amount of money loaned or advanced.

(2) Notwithstanding the foregoing paragraph, pawnbrokers, secondhand dealers, antique dealers, coin dealers, and secondhand precious metal/gem dealers who process fewer than 50 transactions per week may request written permission from the Police Department to use a non-computerized alternative standardized format specified and approved by the Police Department for reporting the listed criteria in subsection (1) above at the time of the transaction.

(3) In addition to the requirements of subsection (1), a pawnbroker, secondhand dealer, antique dealer, coin dealer and a secondhand precious metal/gem dealer shall also obtain and keep the following:

- (a) A written certificate, on forms prescribed by the Police Department, that the person

- delivering the property has the legal right to sell such property and produces at least one positive form of identification containing a numerical identifier and photograph.
- (b) If the value of the property exceeds \$20, the secondhand dealer, pawnbroker, antique dealer, coin dealer, secondhand precious metal/gem dealer or persons receiving said property shall also require the seller or person delivering the property, whether known or not, to give a legible print, preferably the right thumb, at the bottom of the certificate next to his signature.
 - (c) Signature of the purchasing agent who received the property from the person whose name is on the card as the pawnor or seller.

(Ord. No. 98-62 Amended 08/25/1998)

17-23-107. LEGIBILITY AND INSPECTION OF RECORDS AND PREMISES.

(1) All records of all dealers defined in this Chapter shall be open to inspection by any peace officer at any time. Peace officers shall also be permitted to have access to the premises licensed under this Chapter for the purpose of the inspection of said premises during normal business hours.

(2) If requested to do so by a peace officer, all goods, articles or things pawned, pledged, sold or delivered to said dealer must be retained and held until released by the peace officer's agency or delivered to the peace officer to be placed in evidence if requested.

(Ord. No. 98-62 Amended 08/25/1998)

17-23-108. COPIES TO POLICE DEPARTMENT.

It shall be unlawful for any person licensed by this Chapter to fail to submit the certificates required to be maintained by Section 17-23-106(2) to the Police Department on the business day following the entry, except that the records regarding merchandise purchased from other dealers need not be so submitted, but shall be retained by the dealer at his place of business for inspection by any peace officer.

(Ord. No. 98-62 Amended 08/25/1998)

17-23-109. PROPERTY TO BE KEPT THIRTY DAYS BEFORE DISPOSITION.

(1) It shall be unlawful for any dealer licensed by this Chapter to sell, melt, change (except for customary testing), take apart, destroy, obliterate identification marks, or dispose of any secondhand property purchased or obtained by a dealer until 30 days have elapsed from the date of compliance with the reporting requirements of Sections 17-23-106 and 17-23-107, or for such additional time as to any specific item or items as may be directed by the Police Department or his designee. All items being so stored shall be segregated from other items and shall be identified by a tag attached to the property numbered in a manner to correspond with the number of the transaction

description in the business records required to be kept by this Chapter. Items purchased in bulk may be tagged in bulk. Items may be stored at other locations in the City approved by the Police Department. The dealer shall produce these items at the business location within one hour of a request to do so by a peace officer. Where compliance is impossible because of the close of business hours, the item shall be produced within one hour of the opening of business on the next business day.

(2) The requirements of subsection (1) shall not be applicable to any unidentifiable secondhand precious metals which have been inspected and received written clearance for earlier disposition by the Police Department or his designee.

(3) The Police Department may, by written directive, modify the recordkeeping or reporting requirements of this Section.

(Ord. No. 98-62 Amended 08/25/1998)

17-23-110. PLACE OF BUSINESS TO BE CLOSED DURING CERTAIN HOURS.

It shall be unlawful for any dealer defined in this Chapter to keep his place of business open for trade before the hour of 7:00 a.m. or after 10:00 p.m., unless prior written permission is received from the Police Department.

17-23-111. DEALING WITH MINORS PROHIBITED.

It shall be unlawful for any licensee under this Chapter by himself, his agents or servants, to purchase or receive any personal property, or any articles whatsoever, from any person under 18 years of age.

17-23-112. BARRIER REQUIRED AROUND OPEN STORAGE.

Any dealer, as defined in this Chapter, who is the owner of, occupant of, or has control of any lot, yard or any other premises within the City limits and who keeps, collects, permits, maintains, or stores in the open thereon, any metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as "junk" or any articles known as "secondhand goods," "wares" or "merchandise," shall comply with all applicable Board of Health rules and regulations, and the City zoning ordinances mandating solid visual barriers enclosing said lot, yard or premises.

17-23-113. SECONDHAND DEALERS - RESTRICTIONS.

A person licensed under this Chapter as a secondhand dealer shall not purchase, barter, exchange or sell any secondhand merchandise other than that of the same type and character which comprise his principal business.

17-23-114. STOLEN GOODS.

It shall be the duty of every pawnbroker or dealer to report to the Police Department any article pledged with or sold, or which it is sought to pledge with him, or sold, if he

shall have reason to believe that the article was stolen or lost, or found by the person attempting to pledge it or sell it in the case of a lost article.

17-23-115. CONDUCT OF BUSINESS - PARTITION.

It shall be unlawful for any pawnbroker to keep or maintain his pawnbroker business in the same room or rooms with any other business whatsoever unless prior approval of the Police Department has been first obtained. The partition walls separating said pawnbroker's business from other places of business must be of solid material, and all connecting doors or other openings must be securely closed and locked at all times. Gratings, lattice or similar open work or contrivance will not be sufficient partition under the provisions of this Chapter. Patrons must enter and take their exit from all pawnbrokers' places of business through outside doors or entrances.

17-23-116. LIABILITY OF PRINCIPAL.

The holder of a pawnbroker's or dealer's license is liable for any and all acts of his employees, and for any violation by them of any of the provisions of this Chapter.

17-23-117. ORDINANCES POSTED.

It shall be unlawful for any person to conduct or transact any business licensed under this Chapter unless he shall keep conspicuously posted in his place of business a copy of this ordinance.

17-23-118. RIGHT TO REDEEM FORFEITED ARTICLES - INTEREST RATES.

It shall be unlawful in all cases in which an article pledged has been forfeited, for a sale or other disposition thereof to be made by the dealer within the period of six months after the forfeiture of the pledge, unless the period of loan is less than three months; in which case, the period of redemption shall be three months. During such periods the person shall have the right to redeem such articles at no greater advance than five percent per month on all sums up to and including \$50, and three percent per month on all sums in excess of \$50; provided that the dealer shall, in any event, be entitled to a minimum charge of \$1.

17-23-119. VEHICLES.

Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.

17-23-120. PREMISES.

Any premises, area or piece or parcel of land licensed and used as a junk yard shall have not more than two entrances and two exits, each of which shall not exceed fifteen feet in width at the perimeter of the premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid nontransparent wall or fence or link-weave steel wire or combination thereof with a minimum height of seven feet from the ground level excepting for

entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding 100 square feet in size.

17-23-121. COMPUTER REPORTING OF INFORMATION.

The Police Department is authorized to transfer the information received pursuant to this Chapter into a computer information system and to report the information in such forms as the Police Department may determine is useful for law enforcement purposes.

17-23-122. BUSINESS LOCATION; SUPPLEMENTAL LICENSE.

(1) A dealer may conduct the licensed business only from the fixed permanent location as specified in the application for the license which shall be other than a motel or hotel room generally used by transients.

(2) A dealer may not remove or relocate the location specified in the license for the business or open any additional location unless the person has applied for and obtained a supplemental license from the Business License Division.

17-23-123. REPORTING CHANGED INFORMATION.

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this Chapter, the person shall report the change to the license officer within 30 days after the change occurs and certify that the information given is true and correct under the penalties of perjury.

17-23-124. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

In addition to the reasons provided in Sections 17-3-101 and 17-3-102, a license may be denied, suspended or revoked if:

(1) A similar license issued to the dealer has been suspended, revoked, or refused in another jurisdiction for a reason which would justify such action under this Section.

(2) Any officer, manager, agent, or employee of the individual or dealer has violated or is attempting to violate any provisions of this Chapter unless the person or dealer:

- (a) Had no knowledge of the wrongful conduct and in the exercise of reasonable diligence could not have known of the conduct; and
- (b) Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence.

(3) The person or dealer has been convicted of theft or receiving stolen property on one or more occasions or has completed serving a sentence for any conviction of theft or receiving stolen property, whichever is most recent, within the last five years.

CHAPTER 17-24 SALE AND USE OF FIREWORKS

Sections:

- 17-24-101. Definitions.
- 17-24-102. Sale, Discharge and Possession of Fireworks Restricted.
- 17-24-103. Application to Sell Fireworks.
- 17-24-104. Posting of License.
- 17-24-105. Regulations Governing all Retail Sales Locations.
- 17-24-106. Permanent Structures.
- 17-24-107. Temporary Stands.
- 17-24-108. Temporary Tent Stands.
- 17-24-109. Seizure of Fireworks – Fine, Suspension, or Revocation of License.
- 17-24-110. Days when Fireworks may be Sold
- 17-24-111. Days when Fireworks may be Discharged.
- 17-24-112. Discharge of Fireworks Restricted
- 17-24-113. Businesses Exempt from this Chapter.

17-24-101. DEFINITIONS.

(1) **Firework** means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class "A" and "B" explosives.

(2) **Ground or hand-held sparkling device** means:

- (a) Any cylindrical tube or fountain not exceeding 3/4" of inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
- (b) Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
- (c) Any cylindrical tube, or illuminating torch containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;
- (d) Any pyrotechnic device or wheel capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding 1/2" in inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;
- (e) Any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and
- (f) Any narrow paper fuseless tube (flitter sparkler) filled with pyrotechnic

composition that produces color and sparks when the popper at one end of the tube is ignited.

(3) **Ground Audible Device** means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.

(4) **Combination Fireworks Device** means any device containing combinations of two or more of the effects described in subsections (2) or (3).

(5) **Trick Noisemaker** means:

- (a) Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and
- (b) Any device that produces a small report intended to surprise the user, including:
 - (i) A "booby trap" which is a small tube with a string protruding from both ends that ignites the friction-sensitive composition in the tube when the string is pulled;
 - (ii) A "snapper" which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report;
 - (iii) A "trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;
 - (iv) A "cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and
 - (v) An "auto burglar alarm" which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

(6) **Permanent Structure** means a non-movable building, securely attached to a foundation, housing a business licensed to sale merchandise in addition to fireworks.

(7) **Retail Sales Locations** means both permanent structures and temporary stands where fireworks are sold.

(8) **Temporary Stand** means a nonpermanent structure used exclusively for the sale of fireworks.

17-24-102. SALE, DISCHARGE AND POSSESSION OF FIREWORKS RESTRICTED.

It is a Class "B" misdemeanor for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in West Valley City, other than those defined in subsections 17-24-101(2) through (5).

17-24-103. APPLICATION TO SELL FIREWORKS.

(1) In addition to the information required by Section 17-1-105, all applications for a license to sell fireworks shall:

- (a) Set forth the proposed location where the fireworks are to be sold and whether the location is a temporary stand or in a permanent structure.
- (b) Be accompanied by certificates of insurance evidencing liability coverage in the minimum amounts of \$200,000/\$400,000 and property damage coverage in the minimum amount of \$200,000 and naming the City as an additional insured. The certificates of insurance shall state that the City will be given 10 days written notice prior to any cancellation of the insurance by the insurance company.
- (c) Be accompanied by a certificate of insurance evidencing products liability coverage in a minimum amount of \$500,000.
- (d) Be accompanied by a copy of the applicant's Utah Sales Tax License.

(2) Applications shall be made a minimum of 3 working days prior to the time when the applicant wishes to begin selling fireworks within the time constraints set forth in this Chapter.

17-24-104. POSTING OF LICENSE.

(1) Licenses issued pursuant to this Chapter shall be posted in a conspicuous place in a temporary stand and in a conspicuous place in the vicinity of the fireworks in a permanent structure.

(2) The license shall be available for presentation upon request to duly authorized officials.

17-24-105. REGULATIONS GOVERNING ALL RETAIL SALES LOCATIONS.

(1) All retail sales locations shall be under the direct supervision of a responsible person who is 18 years of age or older. A salesperson shall remain at the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or the merchandise is removed.

(2) Fireworks shall not be sold to any person under the age of 16 years, unless accompanied by an adult.

(3) All retail sales locations shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.

(4) Storage of fireworks for sale shall not be located in residential areas.

(5) Smoking shall not be permitted within 50 feet of any fireworks, either on display for retail sale or being stored. "Smoking prohibited within 50 feet" or similarly worded signs shall be conspicuously posted at all sales and storage locations. Sign lettering shall be not less than 2" high with a minimum 3/8" stroke on a contrasting background.

(6) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks as set forth in this Chapter. Sign lettering shall be not less than 1" high with a minimum 3/16" stroke on a contrasting background.

(7) All retail sales locations shall be equipped with an approved portable fire extinguisher having a combined rating of at least 2A 10BC.

(8) No amount of retail storage or retail sales of fireworks shall, by its presence, create a distinct hazard to the life or safety of the customer, employee or property.

(9) All retail fireworks sales shall be located in permanent structures or temporary stands, as defined in this Chapter.

17-24-106. PERMANENT STRUCTURES.

(1) Display of fireworks inside permanent structures shall be subject to the following restrictions:

- (a) Up to 250 pounds of fireworks, display of fireworks is unrestricted.
- (b) From 251 pounds to 500 pounds of fireworks, display of fireworks must be within constant visual supervision.
- (c) Above 500 pounds of fireworks, display of fireworks must be constantly attended by a sales person.

(2) In permanent structures, the area where fireworks are displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material. Fireworks shall not be stored, including stock for sale, near exit doorways, stairways, or in locations that would impede egress.

(3) Fireworks shall be stored, handled, displayed and sold only as packaged units inside permanent structures.

(4) Fireworks displays in permanent structures shall be inspected and shall comply with the fire code adopted by the City. Each licensee shall apply for a business license, inspection, and permit, and shall be inspected prior to any sales.

- (a) Failure to comply with the above shall be subject to a fine of \$1,500.

(5) 75% of the permit fees assessed for a permanent fireworks structure shall be placed in a separate account designated for the sole use of funding fire and life safety devices.

(Ord. 01-24 Amended 05/03/2001)

17-24-107. TEMPORARY STANDS.

(1) Temporary stands shall meet the requirements of the latest Building and Fire Codes adopted by the City. Each licensee shall obtain a business license, pay the inspection fee, the permit fee, and shall be inspected prior to any sales.

(a) Failure to comply with the above shall be subject to a fine of \$1,500.

(2) Each temporary stand shall have a minimum of two approved exit doors, which swing out at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.

(3) Each temporary stand shall have a minimum three-foot wide unobstructed aisle running the length of the stand, inside and behind the counter.

(4) The pass-through openings for temporary stands shall be arranged to permit the customer to view the merchandise for sale but prevent the touching or handling of non-prepackaged fireworks by the customer.

(5) Temporary stands shall be located in properly zoned areas, at least 100 feet from other temporary stands, LP Gas, flammable liquid or gas storage and dispensing units.

(6) If the temporary stand is used for the overnight storage of fireworks, it shall be equipped with suitable locking devices to prevent unauthorized entry.

(7) Temporary stands shall not be heated by any device requiring an open flame or exposed heating element. All wiring, lighting, and electrical equipment shall be approved by the authority having jurisdiction.

(8) The general public shall not be allowed to enter a temporary stand.

(9) A person shall not be allowed to sleep in a temporary stand.

(10) A temporary stand shall be removed within seven days after the sales period has ended, as provided in this Chapter.

(11) 75% of the permit fees assessed for a temporary fireworks stand shall be placed in a separate account designated for the sole use of funding fire and life safety devices.

(Ord. 01-24 Amended 05/03/2001)

17-24-108. TEMPORARY TENT STANDS.

(1) Temporary tent stands shall meet the requirements of the latest Building and Fire Codes adopted by the City. Each licensee shall obtain a business license, pay the inspection fee, and permit fee, and shall be inspected prior to any sales.

(a) Failure to comply with the above shall be subject to a fine of \$1,500.

(2) Each temporary tent stand shall have the exit width and number of exits as required in the International Fire Code.

(3) Temporary tent stands shall be located in properly zoned areas, at least 100 feet from other temporary

tent stands, temporary stands, LP Gas, flammable and combustible liquid, or gas storage and dispensing units.

(4) Temporary tent stands are prohibited from overnight storage.

(5) Temporary tent stands are prohibited from being heated by any device requiring an open flame or exposed heating element.

(6) All wiring, lighting, and electrical equipment shall be approved by the authority having jurisdiction.

(7) Parking shall be in designated areas, a minimum of 20 feet from the temporary tent stands.

(8) Temporary tent stands shall be removed within seven days after the sales period has ended.

(9) 75% of the permit fees assessed for a temporary tent stand shall be placed in a separate account designated for the sole use of funding fire and life safety devices.

(Ord. No. 00-23 Added 04/17/2000; Ord. 01-24 Amended 05/03/2001)

17-24-109. SEIZURE OF FIREWORKS - FINE, SUSPENSION, OR REVOCATION OF LICENSE.

(1) Fireworks sold or offered for sale in violation of this Chapter may be seized, stored as evidence, and destroyed at the expense of the person or business in possession of the unlawful fireworks.

(2) The minimum fine for a person adjudicated as selling or offering fireworks for sale in violation of this Chapter shall be \$500. If the person or business is licensed to sell fireworks pursuant to this Chapter, then the license shall be suspended or revoked.

(3) Fireworks which are in violation of this Chapter may be stored, handled, and discharged when the person in control of the fireworks is an importer, manufacturer, distributor, wholesaler, or a pyrotechnic operator with a valid pyrotechnic license issued by this state.

(Ord. No. 00-23 Amended & Renumbered 04/17/2000)

17-24-110. DAYS WHEN FIREWORKS MAY BE SOLD

Fireworks may be sold on or between June 20 and July 25; on or between December 20 and January 2; and 15 days before and on the Chinese New Year.

(Ord. No. 00-23 Renumbered 04/17/2000)

17-24-111. DAYS WHEN FIREWORKS MAY BE DISCHARGED.

Fireworks may be discharged three days prior to, on the day of, and three days following July 4, July 24, January 1, and the Chinese New Year.

(Ord. No. 00-23 Renumbered 04/17/2000)

**17-24-112. DISCHARGE OF FIREWORKS
RESTRICTED**

(1) It shall be unlawful to discharge any fireworks within 100 feet of temporary stands, LPG, flammable liquid, or gas storage and dispensing units.

(2) It shall be unlawful to discharge any fireworks within 20 feet of any residence, dwelling or other structure.

(Ord. No. 00-23 Renumbered 04/17/2000)

**17-24-113. BUSINESSES EXEMPT FROM THIS
CHAPTER.**

This Chapter does not apply to the product inventories of fireworks manufacturers, importers, distributors, or wholesalers designed for shipment directly out of the state.

(Ord. No. 00-23 Renumbered 04/17/2000)

CHAPTER 17-25 AMUSEMENT HALLS AND ARCADES

Sections:

- 17-25-101. Definitions.
- 17-25-102. Exemption.
- 17-25-103. Liquor, Beer, and Tobacco
- 17-25-104. Hours of Operation.
- 17-25-105. Pornographic Materials.
- 17-25-106. Interior Visibility.

17-25-101. DEFINITIONS.

(1) **Amusement Hall** is defined as a building, portion of a building or enclosed area used for recreation purposes by the public for a fee and includes but is not limited to, an arcade, billiard hall, card room, public dance hall, motion picture theater or other theater, shooting gallery or skating rink.

(2) **Arcade** is defined as a place of business containing more than three automatic amusement devices.

(3) **Automatic Amusement Devices** are hereby defined to be each machine which, upon the insertion of a coin, trade-token, slug, or similar object, operates, or may be operated, as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff for the return of money to the player. An automatic amusement device is hereby further defined as any machine, apparatus, or contrivance which is used, or which may be used, as a game of skill and amusement wherein, or whereby, the player initiates, employs or directs any force generated by the machine, but specifically excludes a musical mechanical device as hereinafter defined.

(4) **Billiard Hall** is defined as a place of business containing more than three tables on which billiards, bagatelle or pool is played by the public for a fee.

(5) **Bowling Alley** is defined as an amusement hall where bowling and related activities are played by the public for a fee.

(6) **Card Room** is any room where there is played any backgammon, cards, checkers, chess, or other games of similar nature, or any game played with beans, buttons, dice or similar devices, or to keep, maintain or operate in the City any table on which said games are played, where charge is made for the use of the room, use of the tables or for the privilege of playing on such tables or in such room.

(7) **Dance Studio** means a place where people are taught to dance with or without the payment of a fee.

(8) **Juke Box or Musical Mechanical Amusement Device** is hereby defined to be and shall include each machine vending recorded music, or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, trade-token, slug, or similar object; provided, however, that this does not include coin-operated radios or television sets in private quarters.

(9) **Mechanical Bull** is defined as an automatic amusement device that is ridden by the public.

(10) **Theaters** are defined as places of business where an outdoor or indoor motion picture or theatrical

performance is given to the public for admission to which a fee is charged.

(11) **Premises** is any room, house, building, structure or place licensed by or defined in this ordinance.

(12) **Public Dance Hall** is an amusement hall where people may dance for a fee, not including cabarets.

(13) **Shooting Gallery** is a place of business where shooting of any kind is done, including a shooting range.

(14) **Skating Rink** is a place of business where a fee is charged for any type of skating.

17-25-102. EXEMPTION.

This Chapter does not include any building, activity or performance given, played or used solely for the benefit of and under the supervision of a religious, educational or charitable organization.

17-25-103. LIQUOR, BEER, AND TOBACCO

Liquor, beer or tobacco shall not be sold to or placed in the possession of a minor or used or allowed to be consumed on the premises or in the parking lot of any amusement hall catering to minors. However, a restaurant with a Class "B" Beer license may have an amusement hall or arcade if it is located in a room or area entirely separate from the dining area.

17-25-104. HOURS OF OPERATION.

(1) Every defined place of business is required to post in plain sight, clearly visible by all participants, the relevant operating hours of said place of business.

(2) Amusement hall catering to minors shall not be operated in a manner contrary to the curfew provisions of the West Valley City Municipal Code.

(3) Automatic amusement device shall not be operated by a person under the age of sixteen after curfew and before or during school hours.

(4) Minors shall not be allowed to enter a card room.

17-25-105. PORNOGRAPHIC MATERIALS.

A licensee, or his employees or agents, shall not sell, exhibit, or allow to be shown on the amusement hall premises any pornographic materials which are prohibited by state laws or ordinances.

17-25-106. INTERIOR VISIBILITY.

A clear, unobstructed view from the entrance of the entire interior of the amusement hall, excluding the restroom, shall be maintained by the licensee at all times. The licensee shall not erect or maintain any enclosed booth, blinds or stalls relating to amusement within the interior of the licensed premises. All automatic amusement devices shall be kept in plain view.

CHAPTER 17-26 SEXUALLY-ORIENTED BUSINESSES

Sections:

- 17-26-101. Title for Citation.
- 17-26-102. Purpose of Provisions.
- 17-26-103. Application of Provisions.
- 17-26-104. Definitions.
- 17-26-105. Obscenity and Lewdness - Statutory Provisions.
- 17-26-106. Location and Zoning Restrictions.
- 17-26-107. Business License Required.
- 17-26-108. Exemptions from License Requirements.
- 17-26-109. Legitimate Artistic Modeling.
- 17-26-110. Business Categories - Number of Licenses.
- 17-26-111. Employee Licenses.
- 17-26-112. License - Application - Disclosures Required.
- 17-26-113. License - Fees.
- 17-26-114. License - Bond.
- 17-26-115. License - Premises Location and Name.
- 17-26-116. License - Issuance Conditions.
- 17-26-117. License - Term.
- 17-26-118. License - Notice of Change of Information.
- 17-26-119. License - Transfer Limitations.
- 17-26-120. License - Display.
- 17-26-121. License - Statement in Advertisements.
- 17-26-122. Regulations and Unlawful Activities.
- 17-26-123. Outcall Services - Operation Requirements.
- 17-26-124. Adult Business - Design of Premises.
- 17-26-125. Semi-nude Entertainment Business - Design of Premises.
- 17-26-126. Semi-nude Entertainment Business - Location Restriction.
- 17-26-127. Alcohol Prohibited.
- 17-26-128. Semi-nude Dancing Agencies.
- 17-26-129. Performers - Prohibited Activities.
- 17-26-130. Patrons - Prohibited Activities.
- 17-26-131. Nudity - Defenses to Prosecution.
- 17-26-132. Existing Businesses - Compliance Time Limits.
- 17-26-133. Violation - Injunction When.
- 17-26-134. Violation - License Suspension or Revocation.
- 17-26-135. Effect of License Revocation.
- 17-26-136. Appeal Procedures.
- 17-26-137. Violation - Penalty - Responsibility.

17-26-101. TITLE FOR CITATION.

The provisions codified in this Chapter shall be known and may be referred to as the "Sexually-Oriented Business and Employee Licensing Ordinance."

(Ord. No. 93-02 Repealed & Replaced 01/27/1993)

17-26-102. PURPOSE OF PROVISIONS.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the time, place, and manner of operation of sexually-oriented businesses and their employees in the

City. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions.

(Ord. No. 93-02 Repealed & Replaced 01/27/1993)

17-26-103. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually-oriented businesses, and certain employees of those businesses characterized as sexually-oriented business employees. Except where the context or specific provisions require, this Chapter does not supersede or nullify any other related ordinances, including, but not limited to, those codified in Chapters 17-1 and 17-5 of the West Valley City Code.

(Ord. No. 93-02 Repealed & Replaced 01/27/1993)

17-26-104. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(1) **Adult Bookstore or Adult Video Store** means a commercial establishment:

- (a) Which excludes minors from more than fifteen percent of the retail floor or shelf space of the premises; or
- (b) Which, as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter; or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations, the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designated for use in connection with "specified sexual activities," except for legitimate medically recognized contraceptives.

(2) **Adult Business** means an adult motion picture theater, adult bookstore, or adult video store.

(3) **Adult Motion Picture Theater** means a commercial establishment which:

- (a) Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
- (b) As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which:

- (a) Holds itself out as such a business; or
- (b) Excludes minors from the showing of two consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition); or
- (c) As its principal business, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(5) **Employ** means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

(6) **Escort** means any person who, for pecuniary compensation, dates, socializes, visits, consorts with, or accompanies or offers to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. **Escort** shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly, or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provide a service not principally characterized as dating or socializing. **Escort** shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

(7) **Escort Service** means an individual or entity that, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

(8) **Escort Service Runner** means any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort, or patron by contacting or meeting with escort services, escorts, or patrons at any location within the City, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.

(9) **Nudity** means a state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

(10) **Operator** means the manager or other natural person principally in charge of a sexually-oriented business.

(11) **Outcall Services** means services of a type performed by a sexually-oriented business employee outside of the premises of the licensed sexually-oriented business, including but not limited to escorts, models, dancers and other similar employees.

(12) **Patron** means any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this Chapter.

(13) **Pecuniary Compensation** means any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.

(14) **Person** means any person, unincorporated association, corporation, partnership, or other legal entity.

(15) **Semi-nude** means a state of dress in which opaque clothing covers no more than the areola of the female breast; and the male or female genitals, pubic region, and anus shall be fully covered by an opaque covering no narrower than four inches wide in the front and five inches wide in the back, which shall not taper to less than one inch wide at the narrowest point.

(16) **Semi-nude Dancing Agency** means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.

(17) **Semi-nude Entertainment Business** means a business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.

(18) **Sexually-Oriented Business** means semi-nude entertainment businesses, sexually-oriented outcall services, adult businesses, and semi-nude dancing agencies, as defined by this Chapter.

(19) **Sexually-Oriented Business Employees** means those employees who work on the premises of a sexually-oriented business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually-oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually-oriented business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered sexually-oriented business employees.

(20) **Specified Anatomical Areas** means the human male or female pubic area or anus with less than a full opaque covering, or the human female breast below a point

immediately above the top of the areola, with less than full opaque covering.

(21) **Specified Sexual Activities** means:

- (a) Acts of:
 - (i) Masturbation,
 - (ii) Human sexual intercourse,
 - (iii) Sexual copulation between a person and a beast,
 - (iv) Fellatio,
 - (v) Cunnilingus,
 - (vi) Bestiality,
 - (vii) Pederasty,
 - (viii) Buggery, or
- (ix) Any anal copulation between a human male and another human male, human female, or beast;
- (b) Manipulating, caressing or fondling by any person of:
 - (i) The genitals of a human,
 - (ii) The pubic area of a human,
 - (iii) The breast or breasts of a human female;
- (c) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

(Ord. No. 93-02 Repealed & Replaced 01/27/1993 Ord. No. 93-23 Amended 04/14/1993)

17-26-105. OBSCENITY AND LEWDNESS - STATUTORY PROVISIONS.

(1) Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes prohibiting obscenity.

(2) Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of Section 21-6-110, "Lewdness." Provided, however, that for the purpose of sexually-oriented businesses the definition of "private parts" shall be construed to mean "nudity" as defined in this Chapter.

(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

17-26-106. LOCATION AND ZONING RESTRICTIONS.

It is unlawful for any sexually-oriented business to do business at any location within the City not zoned for such business. Sexually-oriented businesses licensed as adult businesses or semi-nude entertainment businesses pursuant to this Chapter shall only be allowed in areas zoned for their use pursuant to Title 7 of the West Valley City Code.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-107. BUSINESS LICENSE REQUIRED.

It is unlawful for any person to operate a sexually-oriented business, as specified herein, without first obtaining a general business license and a sexually-oriented business license. The sexually-oriented business license shall specify the type of business for which it is obtained.

(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

17-26-108. EXEMPTIONS FROM LICENSE REQUIREMENTS.

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-109. LEGITIMATE ARTISTIC MODELING.

(1) The City does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar State protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of Section 17-26-122(11), a licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty-four hours before the nude appearance. All of the other applicable provisions of this Chapter shall still apply to such nude appearance.

(2) In the event of a contract for nude modeling or appearance signed more than forty-eight hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Chapter. During such unlicensed nude appearance, it is unlawful to:

- (a) Appear nude or semi-nude in the presence of persons under the age of eighteen;
- (b) Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude;
- (c) Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;
- (d) Allow, offer, commit, or agree to any sex act as validly defined by City ordinances or State statute;
- (e) Allow, offer, agree, or permit the contracting party or other person to

masturbate in the presence of the individual contracted to appear nude;

- (f) Allow, offer, or agree for the individual appearing nude to be within five feet of any other person while performing or while nude or semi-nude.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-110. BUSINESS CATEGORIES – NUMBER OF LICENSES.

(1) It is unlawful for any business premises to operate or be licensed for more than one category of sexually-oriented business, except that a business may have a license for both outcall services and a semi-nude dancing agency on the same premises.

(2) The categories of sexually-oriented businesses are:

- (a) Outcall services;
- (b) Adult businesses;
- (c) Semi-nude entertainment businesses;
- (d) Semi-nude dancing agency.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-111. EMPLOYEE LICENSES.

It is unlawful for any sexually-oriented business to employ or for any individual to be employed by a sexually-oriented business in the capacity of a sexually-oriented business employee, unless that employee first obtains a sexually-oriented business employee license.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-112. LICENSE - APPLICATION - DISCLOSURES REQUIRED.

Before any applicant may be licensed to operate a sexually-oriented business or as a sexually-oriented business employee pursuant to this Chapter, the applicant shall submit, on a form to be supplied by the City license authority, the following:

(1) The correct legal name of each applicant, corporation, partnership, limited partnership, or entity doing business under an assumed name;

(2) If the applicant is a corporation, partnership, or limited partnership, or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director, and any shareholder (corporate or personal) of more than ten percent of the stock of any applicant. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter;

- (a) The shareholder disclosure requirements above shall only be applicable for outcall service licenses;

(3) All corporations, partnerships, or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or

non-corporate entity to sign the checks for such corporation, partnership, or non-corporate entity;

(4) For all applicants or individuals, the application must also state:

- (a) Any other names or aliases used by the individual,
- (b) The age, date, and place of birth,
- (c) Height,
- (d) Weight,
- (e) Color of hair,
- (f) Color of eyes,
- (g) Present business address and telephone number,
- (h) Present residence and telephone number,
- (i) Utah drivers license or identification number, and
- (j) Social security number;

(5) Acceptable written proof that any individual is at least eighteen years of age;

(6) Attached to the form, as provided above, two color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Police Department. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

(7) For any individual applicant required to obtain a sexually-oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Salt Lake City-County Health Department, stating that the individual has, within thirty days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases;

(8) A statement of the business, occupation, or employment history of the applicant for three years immediately preceding the date of the filing of the application;

(9) A statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state, or territory, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application;

(10) All criminal convictions or pleas of *nolo contendere*, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or other entity subject to disclosure under this

Chapter, for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of *nolo contendere*, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually-oriented business or employee license shall constitute a waiver of disclosure of any criminal conviction or plea of *nolo contendere* for the purposes of any proceeding involving the business or employee license;

(11) In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;

(12) A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations, or employment guidelines under or by which the business intends to operate. This description shall also include:

- (a) The hours that the business or service will be open to the public, and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity,
- (b) The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities,
- (c) The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances,
- (d) The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

It is unlawful to knowingly submit false or materially misleading information on or with a sexually-oriented business license application or to fail to disclose or omit

information for the purpose of obtaining a sexually-oriented business or employee license.

(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

17-26-113. LICENSE - FEES.

Each applicant for a sexually-oriented business or employee license shall be required to pay regulatory license fees as set forth in the Consolidated Fee Schedule. An application is not complete until all appropriate fees have been paid.

(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

17-26-114. LICENSE - BOND.

Each application for a sexually-oriented business license shall post, with the City's Business and Economic Services Administrator, a cash or corporate surety bond payable to West Valley City in the amount of two thousand dollars. Any fines assessed against the business, officers, or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten days after notice of the fine, unless an appeal is filed as provided by this Chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars within fifteen days of the date of notice of any draw against it.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-115. LICENSE - PREMISES LOCATION AND NAME.

(1) It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.

(2) It is unlawful for any sexually-oriented business to do business in the City under any name other than the business name specified in the application.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-116. LICENSE - ISSUANCE CONDITIONS.

The Business and Economic Services Administrator shall approve the issuance of a license to the applicant within thirty days after receipt of a completed application, unless the official finds one or more of the following:

- (1) The applicant is under eighteen years of age;
- (2) The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to a sexually-oriented business;
- (3) The applicant has falsely answered a material question or request for information as authorized by this Chapter;
- (4) The applicant has violated a provision of this Chapter or similar provisions found in statutes or

ordinances from any jurisdiction within two years immediately preceding the application; a criminal conviction for a violation of a provision of this Chapter or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;

(5) The premises to be used for the business have been disapproved by the Salt Lake City-County Health Department, the Fire Department, the Police Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty-day approval or denial period, the agency or department may obtain from the City Business and Economic Services Administrator an extension of time of no more than fifteen days for their review. The total time for the City to approve or deny a license shall not exceed forty-five days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this Chapter, may be denied a license pursuant to this Chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location;

- (a) Upon receipt of an application, all departments required to review the application shall determine within seven days whether or not the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete;
 - (b) The time for processing applications specified in this Section shall begin to run from the receipt of a complete application;
 - (c) In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses, or semi-nude entertainment businesses has not been disapproved within thirty days or the forty-five days allowed after an extension, the City shall issue the license pending completion of the City's review;
 - (d) Any license issued pursuant to (c) above may be revoked by the City, pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied.
- (6) The required license fees have not been paid;
- (7) All applicable sales and use taxes have not been paid;
- (8) An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in statutes or ordinances from any jurisdiction;

(9) An applicant has been convicted or pled *nolo contendere* to a crime:

- (a) Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
 - (i) Less than two years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the five years, or
 - (ii) Less than five years have elapsed from the date of conviction, if the offense is of a felony;
- (b) The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Section.

(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

17-26-117. LICENSE - TERM.

Sexually-oriented business and employee licenses issued pursuant to this Chapter shall be valid from the date of issuance through July 1st of each succeeding year. The license fees required under the Consolidated Fee Schedule shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-118. LICENSE - NOTICE OF CHANGE OF INFORMATION.

Any change in the information required to be submitted under this Chapter for either a sexually-oriented business license or sexually-oriented business employee license shall be given, in writing, to the Business and Economic Services Administrator and the Police Department within fourteen days after such change.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-119. LICENSE – TRANSFER LIMITATIONS.

Sexually-oriented business licenses granted under this Chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of ten percent thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the City as provided in this Chapter.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-120. LICENSE - DISPLAY.

It is unlawful for any sexually-oriented business location within the boundaries of the City to fail to display the license granted pursuant to this Chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this Chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by police, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-121. LICENSE - STATEMENT IN ADVERTISEMENTS.

It is unlawful for any advertisement by the sexually-oriented business or employee to fail to state that the business or employee is licensed by the City, and shall include the City license number.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-122. REGULATIONS AND UNLAWFUL ACTIVITIES.

It is unlawful for any sexually-oriented business or sexually-oriented business employee to:

- (1) Allow persons under the age of eighteen years on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;
- (2) Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen years;
- (3) To allow, offer, or agree to allow any alcohol to be stored, used, or consumed on or in the licensed premises;
- (4) Allow the outside door to the premises to be locked while any customer is in the premises;

(5) Allow, offer, or agree to gambling on the licensed premises;

(6) Allow, offer, or agree to any sexually-oriented business employee touching or being touched by any patron or customer; except that outcall employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited;

(7) Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances on the licensed premises;

(8) Allow sexually-oriented business employees to possess, use, sell, or distribute controlled substances while engaged in the activities of the business;

(9) Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;

(10) Allow, offer, commit, or agree to any specified sexual activity as validly defined by City ordinances or state statute in the presence of any customer or patron;

(11) Allow, offer, or agree to any outcall employee appearing before any customer or patron in a state of nudity;

(12) Allow, offer, or agree to allow a patron or customer to masturbate in the presence of the sexually-oriented business employee or on the premises of a sexually-oriented business.

(13) Allow, offer, or agree to commit an act of lewdness as defined in this Title.

(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

17-26-123. OUTCALL SERVICES – OPERATION REQUIREMENTS.

It is unlawful for any business or employee providing outcall services contracted for in the City to fail to comply with the following requirements:

- (1) All businesses licensed to provide outcall services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this Section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.

(2) All outcall businesses licensed pursuant to this Chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses which premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.

(3) Outcall services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.

(4) All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Chapter, regardless of the primary location of the business.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-124. ADULT BUSINESS - DESIGN OF PREMISES.

(1) In addition to the general requirements of disclosure for a sexually-oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:

- (a) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
- (b) Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.
- (c) For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
- (d) The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead

lighting fixtures, and ratings for illumination capacity.

(2) It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station in subsection (1) of this Section remain unobstructed by any doors, walls, merchandise, display racks, or any other materials at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(3) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-125. SEMI-NUDE ENTERTAINMENT BUSINESS - DESIGN OF PREMISES.

(1) It is unlawful for business premises licensed for semi-nude entertainment to:

- (a) Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;
- (b) Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors, and restroom doors to be lockable from the inside;
- (c) Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

(2) Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three feet high.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-126. SEMI-NUDE ENTERTAINMENT BUSINESS – LOCATION RESTRICTION.

It is unlawful for any business licensed for semi-nude entertainment to be located within three hundred thirty feet

of a business licensed for the sale or consumption of alcohol.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-127. ALCOHOL PROHIBITED.

(1) It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises.

(2) It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually-oriented business.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-128. SEMI-NUDE DANCING AGENCIES.

(1) It is unlawful for any individual or entity to furnish, book, or otherwise engage the services of a professional dancer, model, or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater licensed pursuant to this Chapter, unless such agency is licensed pursuant to this Chapter.

(2) It is unlawful for any individual or entity to furnish, book, or otherwise engage or permit any person to perform as a professional dancer, model, or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Chapter, unless such person is licensed pursuant to this Chapter.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-129. PERFORMERS – PROHIBITED ACTIVITIES.

It is unlawful for any professional dancer, model, or performer, while performing in any business licensed pursuant to this Chapter, to:

- (1) Touch in any manner any other person;
- (2) Throw any object or clothing off the stage area;
- (3) Accept any money, drink, or any other object directly from any person; or
- (4) Allow another person to touch such performer or to place any money or object on the performer or within the costume or person of the performer; or
- (5) Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-130. PATRONS – PROHIBITED ACTIVITIES.

It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give to any such performer any drinks, money, or object while such performer is performing; except that money may be placed

on the stage, which shall not be picked up by the performer except by hand.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-131. NUDITY - DEFENSES TO PROSECUTION.

It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school licensed by the state, or a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-132. EXISTING BUSINESSES - COMPLIANCE TIME LIMITS.

(1) The provisions of this Chapter shall be applicable to all persons and businesses described herein, whether the herein-described activities were established before or after the effective date of the provisions codified in this Chapter and regardless of whether such persons and businesses are currently licensed to do business in the City.

- (a) All such persons and businesses requiring outcall service licenses shall have forty-five days from the effective date of the ordinance codified in this Chapter, or until their current license expires, whichever is first in time, to comply with the provisions of this Chapter.
- (b) All semi-nude dancing agency licenses shall have seventy-five days from the effective date of the ordinance codified in this Chapter, or until their license must be renewed, whichever is first, to comply with the provisions of this Chapter.
- (c) All adult businesses and semi-nude entertainment businesses shall have one hundred thirty-five days from the effective date of the ordinance codified in this Chapter, or until their current license must be renewed, whichever is first, to comply with the provisions of this Chapter.

(2) For the year 1992-93, all businesses required by this Chapter to be licensed as sexually-oriented businesses shall be credited against the fees required in the Consolidated Fee Schedule with the regulatory license fees paid for the current 1992-93 license.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-133. VIOLATION - INJUNCTION WHEN.

An entity or individual who operates or causes a sexually-oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually-oriented business, or who operates such a

business or functions as such an employee in violation of the provisions of this Chapter is subject to a suit for injunction in addition to the civil and criminal violations provided herein, and any other remedy available at law or in equity.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-134. VIOLATION - LICENSE SUSPENSION OR REVOCATION.

(1) The City may issue a notice suspending or revoking a sexually-oriented business or employee license granted under this Chapter if a licensee or an employee of the licensee has:

- (a) Violated or is not in compliance with this Chapter;
- (b) Refused to allow any inspection of the premises of the sexually-oriented business specifically authorized by this Chapter or by any other statute or ordinance;
- (c) Failed to replenish the cost bond as provided in this Chapter (such a suspension shall extend until the bond has been replenished);
- (d) Given materially false or misleading information in obtaining the license;
- (e) Knowingly operated the sexually-oriented business or worked under the employee license during the period when the business licensee or employee licensee's license was suspended;
- (f) A licensee has committed an offense which would be grounds for denial of a license for which the time period required has not elapsed;
- (g) On two or more occasions within a twelve-month period, a person or persons committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license for which a conviction has been obtained, and the person or persons were employees, whether or not licensed, of the sexually-oriented business at the time the offenses were committed;
- (h) A licensee is delinquent in payment to the City for *ad valorem* taxes, or sales taxes related to the sexually-oriented business.

(2) Suspension or revocation shall take effect within fifteen days of the issuance of notice, unless an appeal is filed as provided by this Chapter.

(3) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-135. EFFECT OF LICENSE REVOCATION.

When a license issued pursuant to this Chapter is revoked, the revocation shall continue for one year from its

effective date, and the licensee shall not be issued a sexually-oriented business or employee license for one year from the date of such revocation.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-136. APPEAL PROCEDURES.

The denial, suspension, or revocation of any license issued pursuant to this Chapter may be appealed as set forth in Sections 17-3-106 through 17-3-112 of the West Valley City Code.

(Ord. No. 93-02 Enacted 01/27/1993)

17-26-137. VIOLATION - PENALTY - RESPONSIBILITY.

(1) In addition to revocation or suspension of a license, as provided in this Chapter, each violation of this Chapter shall, upon citation by the City Business and Economic Services Administrator, require the licensee to pay a civil penalty in the amount of five hundred dollars. Such fines shall be deducted from the cost bond posted pursuant to this Chapter, unless paid within ten days of notice of the fine or the final determination after any appeal. In addition to the civil fines provided in this Chapter, the violation of any provision of this Chapter shall be a class "B" misdemeanor. Each day of a violation shall be considered a separate offense.

(2) Every act or omission by an employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the sexually-oriented business licensee and/or operator, if such act or omission occurs either with the authorization, knowledge, or approval of the licensee and/or operator, or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, and the sexually-oriented business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

(3) A sexually-oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended, or renewed.

(Ord. No. 93-02 Enacted, 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)

**CHAPTER 17-27
AUTO WRECKERS**

Sections:

- 17-27-101. Definitions.
 - 17-27-102. Sale by Minors Restricted.
 - 17-27-103. Records.
 - 17-27-104. Fencing.
-

17-27-101. DEFINITIONS.

Auto Wrecker means the business of wrecking or dismantling old, used or secondhand automobiles or other motor vehicles and adding or employing the accessories or parts thereof in equipping, repairing or rebuilding motor vehicles, or storing, selling or otherwise disposing of such accessories or parts.

17-27-102. SALE BY MINORS RESTRICTED.

It shall be unlawful for a licensee to purchase or receive from persons under the age of 18 years any motor vehicle whatsoever without the written consent of a parent or guardian.

17-27-103. RECORDS.

Each licensee shall keep a permanent daily record of motor vehicles purchased, including an adequate description of the name and residence of the person from whom the article was purchased, the serial number of the motor vehicle, the date and hour of the purchase and the price paid. The record shall be available at all reasonable times to the inspection of authorized officers. No entry shall be changed, erased, obliterated or defaced.

17-27-104. FENCING.

Each licensee's business shall be completely enclosed by a minimum of a six-foot high fence of sturdy and durable construction.

CHAPTER 17-28 TOWING SERVICES

Sections:

- 17-28-101. Definitions.
- 17-28-102. License.
- 17-28-103. Duty to Display License.
- 17-28-104. Rotation.
- 17-28-105. City Impounds.

17-28-101. DEFINITIONS.

(1) **Rotation List** means a list of tow trucks or tow truck services maintained by West Valley City that have valid licenses and who request in writing of West Valley City the privilege of being called in sequence down the list to provide tow truck services to motorists when a motorist requests the City's assistance in obtaining a tow truck or tow truck service.

(2) **Tow Truck** means a motor vehicle which has been altered or designed, equipped and used for the purpose of towing vehicles by means of a crane, hoist, tow bar, tow line, chain or dolly.

(3) **Tow Truck Service** means the transportation upon the public streets, public places and highways of the City of damaged, disabled, or abandoned vehicles, together with personal effects and/or cargo, by towing only. Wrecker service, tow car service and garage tow truck service are synonymous and shall be termed "tow truck service."

(4) **Tow Lot** means an area reserved for storage of vehicles that have been removed by a tow truck.

17-28-102. LICENSE.

(1) A license shall be issued to tow trucks or tow truck services with a principal place of business within the corporate limits of the City upon proof being presented to the City by the applicant and that each of the following requirements have been and will continue to be met by the applicant:

- (a) Complete compliance with the current Utah Department of Transportation rules and regulations for tow truck operators;
- (b) Issuance of a Department of Transportation certificate for each tow during the policy term of the license;
- (c) Competent evidence of valid towing property damage liability insurance, not less than \$25,000, issued with applicant named as insured, including the policy number and insurance company name for the business and the tow truck;
- (d) Permanent readable signs on the doors of the tow truck listing the name of the applicant, address and telephone number.
- (e) Competent evidence of a surety bond of \$1,000 from good and sufficient sureties to

ensure continued compliance with these ordinances;

- (f) Competent evidence that the tow truck service or tow truck tows and stores motor vehicles in a secured fenced or enclosed yard or building for the storage of motor vehicles within the City limits, unless otherwise required by the State of Utah;
- (g) All tow trucks must be operated by competent personnel carrying a certification card issued by the Utah Department of Transportation and a proper and valid Utah driver's license which allows for operation of a tow truck;
- (h) Competent evidence that all business operations are conducted in a fair, equitable and lawful manner.
- (i) Competent evidence that suggested tow and storage fees are those established by the Utah Towing Association.

17-28-103. DUTY TO DISPLAY LICENSE.

Every tow truck operator shall carry upon his person:

- (1) A proper and valid Utah driver's license which allows for operation of a tow truck;
- (2) Evidence of a proper and valid license issued by the City;
- (3) Evidence of a personal certification card issued by the Utah Department of Transportation; and
- (4) All other identification required by law.

17-28-104. ROTATION.

(1) To qualify for rotation, a tow truck service shall comply with all of the requirements of this Chapter and other ordinances of the City.

(2) The Police Department has the authority to promulgate all rules and regulations governing a rotation system.

(3) The rotation system shall be followed unless a valid contract has been issued by the City.

17-28-105. CITY IMPOUNDS.

The City may enter into contracts with tow trucks, tow services, and tow lot companies to ensure safe and economical storage and transportation of motor vehicles impounded by the City.

CHAPTER 17-29 CIVIL RIGHTS

Sections:

- 17-29-101. Short Title.
- 17-29-102. Declaration of Policy.
- 17-29-103. Declaration of Civil Right.
- 17-29-104. Equal Rights in Places of Public Accommodation, Resort or Amusement.
- 17-29-105. Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement.
- 17-29-106. Places or Public Accommodation, Resort or Amusement Defined.
- 17-29-107. Extent of Personal Responsibility.
- 17-29-108. Penalty for Violation.
- 17-29-109. Suspension or Revocation of License.

17-29-101. SHORT TITLE.

This Chapter shall be known as West Valley City Civil Rights Ordinance.

17-29-102. DECLARATION OF POLICY.

It is hereby declared to be the policy of City in the exercise of its police power for the protection of the public welfare, health, safety and peace of City and the inhabitants thereof, to prohibit discrimination in places of public accommodation, resort or amusement due to race, color, religion, ancestry or national origin.

17-29-103. DECLARATION OF CIVIL RIGHT.

All persons have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement within City subject only to the conditions and limitations established by law and applicable alike to all persons. This right is recognized and declared to be a civil right.

17-29-104. EQUAL RIGHTS IN PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT.

No person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement within City shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, and no person shall directly or indirectly publish, circulate, issue, display, post or mail or cause to be published, circulated, issued, displayed, posted or mailed within City any written, painted or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of a place of public accommodations, resort or amusement shall be refused, withheld from or denied to any person on account of race, color, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any

particular race, color, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written, painted or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof, shall be presumptive evidence in any proceedings that the same was authorized and published by such person.

17-29-105. EXCLUSION, SEGREGATION AND DISCRIMINATION PROHIBITED IN PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT.

Any exclusion or segregation of or discrimination against any person on account of race, color, religion, ancestry or national origin in places of public accommodation, resort or amusement within City shall be unlawful.

17-29-106. PLACES OR PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT DEFINED.

A place of public accommodation, resort or amusement within the meaning of this Chapter shall be deemed to include inns, taverns, roadhouses, motels, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or salt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to include any institution, club or place of accommodation which is in its nature distinctly private.

17-29-107. EXTENT OF PERSONAL RESPONSIBILITY.

The provisions and requirements of this Chapter shall bind and obligate every owner, lessee, operator, proprietor, manager, agent and employee, whether a natural person, corporation, or unincorporated association, engaged in or exercising control over the operation of any place of public accommodation, resort or amusement; provided, that

whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provisions of this Chapter, both he and his principal or employer shall be held equally responsible.

17-29-108. PENALTY FOR VIOLATION.

Any person who or any agency, bureau, corporation or association which shall willfully violate any of the provisions of this Chapter or who or which shall aid or cause the violation of any of said provisions shall be deemed guilty of a Class "B" misdemeanor, and upon conviction thereof shall be fined not more than \$299 or shall be imprisoned not more than six months, or both.

17-29-109. SUSPENSION OR REVOCATION OF LICENSE.

Whenever it shall have been judicially determined that a licensee or a person operating or doing business under a license has violated this Chapter in the course of such operation or business two times or more within any 12-month period, the license officer shall suspend or revoke such license as provided in this Title.

**CHAPTER 17-30
INNKEEPERS**

Sections:

17-30-101. Repealed.

17-30-102. Repealed.

17-30-103. Repealed.

17-30-104. Repealed.

17-30-105. Repealed.
.....**17-30-101. REPEALED.****(Ord. No. 97-32 Repealed 07/01/1997)****17-30-102. REPEALED.****(Ord. No. 97-32 Repealed 07/01/1997)****17-30-103. REPEALED.****(Ord. No. 97-32 Repealed 07/01/1997)****17-30-104. REPEALED.****(Ord. No. 97-32 Repealed 07/01/1997)****17-30-105. REPEALED.****(Ord. No. 97-32 Repealed 07/01/1997)**

CHAPTER 17-31 RENTAL DWELLING UNITS

Sections:

- 17-31-101. Definitions.
- 17-31-102. License Required.
- 17-31-103. Exception.
- 17-31-104. Penalty.
- 17-31-105. License Fees.

17-31-101. DEFINITIONS.

(1) **Multiple Family Dwelling Unit** shall mean any buildings or apartment buildings so arranged, designed, built, rented, loaned, let or hired out to be used or occupied as the home, residence or dwelling unit of four or more families living independently of each other. This definition includes four-plexes, even if the owner lives in one of the units.

(2) **Rental Dwelling Unit** shall mean any individual dwelling unit that is rented, loaned, let or hired out to be used or occupied as a home or residence.

(3) **Owner** shall mean the person having ownership. **Person** includes any individual, group of individuals, partnership, corporation, association or other legal entity.

(Ord. No. 93-20 Amended 06/22/1993)

17-31-102. LICENSE REQUIRED.

(1) Every owner of a multiple family dwelling unit or of four or more rental dwelling units shall obtain and maintain current a business license and pay the base fee and variable fees as set forth in the Consolidated Fee Schedule.

(2) If there is more than one owner, including purchases under contract, each owner shall be jointly and severally liable to pay the business license fee.

(Ord. No. 93-20 Amended 06/22/1993)

17-31-103. EXCEPTION.

Every owner of less than four rental dwelling units shall be exempt from licensing under this Title.

(Ord. No. 93-20 Amended 06/22/1993)

17-31-104. PENALTY.

Any person or party who violates the provisions of this Chapter shall be deemed guilty of a Class "B" misdemeanor.

17-31-105. LICENSE FEES.

(1) Owners of multiple family dwelling units or rental dwelling units shall pay the base fee and variable fees set forth in the Consolidated Fee Schedule.

(2) The base business license fee shall be paid at the time of application for a new or renewal license.

(3) The Business and Economic Services Administrator may, with the approval of the City Manager, establish a payment plan or plans which allow the licensee to pay the per-unit fees in two, three, or four equal

installment payments, made at regular intervals during the term of the license.

(4) Failure to timely make a payment required pursuant to a payment plan as described above may result in the suspension or revocation of the license and the imposition of penalty fees as set forth in this Title.

(5) Owners of multiple family dwelling units or rental dwelling units who are required to license under this Section, whose application for a license is received between July 1 and July 30, 1993, inclusive, shall receive a license which expires on June 30, 1994. Owners whose application is received during the July 1993 period shall be charged a per-unit fee equal to the fee which was in effect during June 1993.

(6) On August 1, 1993, all applicants for new or renewal licenses shall pay the unit fee set forth in the Consolidated Fee Schedule in effect at the time of the application or renewal.

(Ord. No. 93-44 Enacted 08/20/1993)

CHAPTER 17-32 PRIVATE INVESTIGATORS

Sections:

- 17-32-101. License—Required.
- 17-32-102. License—Not Required When.
- 17-32-103. License—Application.
- 17-32-104. License—Bond Required.
- 17-32-105. License—Fee.
- 17-32-106. License—Not Issued to Certain Persons.
- 17-32-107. License—Carried by Licensee.
- 17-32-108. License—Not Transferable.
- 17-32-109. False Representation Prohibited.

17-32-101. LICENSE—REQUIRED.

(1) It is unlawful for any person to engage in the business of private detective or investigator for a fee or reward unless such person first applies for and obtains a West Valley City private investigator's license.

(2) No license shall be issued for any private investigator's license unless the licensee has complied in all respects with the provisions contained in this Chapter.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-102. LICENSE—NOT REQUIRED WHEN.

Nothing in this Chapter shall be construed as requiring a license from any watchman or person regularly employed as a watchman by any firm or corporation, or any person investigating credit records or insurance claims, or any security personnel licensed pursuant to Title 41, Chapter 13a, Utah Code Annotated.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-103. LICENSE—APPLICATION.

(1) Every person applying for a license under this Chapter shall obtain a Police identification card from the West Valley City Police Department.

(2) If the applicant is a partnership, each member of the partnership shall be required to obtain an identification card.

(3) If the applicant is a corporation, each officer and active member of the corporation shall obtain a Police identification card.

(4) Each applicant, including members of a partnership and officers and employees of a corporation, shall submit to being photographed and fingerprinted by the West Valley City Police Department.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-104. LICENSE—BOND REQUIRED.

Each application for a license shall be accompanied by a corporate surety bond in the amount of one thousand dollars, executed by a surety company authorized to do business in the state, and conditioned that the person applying for the license will comply with all of the laws and ordinances regulating the business of a private

investigator and all lawful requirements made by the City Council, and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud, or deceit of the licensed person, the applicant's agent or employee, or which may result from any other violation of law or ordinance in carrying the business licensed.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-105. LICENSE—FEE.

The annual license fee for a private investigator's license shall be the general license fee set forth in the consolidated fee schedule. In addition to the above fee, each individual employee shall pay the fee set forth in the consolidated fee schedule for the issuance of a Police identification card.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-106. LICENSE—NOT ISSUED TO CERTAIN PERSONS.

(1) No license or Police identification card shall be issued to any person who is under the age of twenty-one years.

(2) No license or Police identification card shall be issued to any person who has been convicted of a felony by any state or United States court, or who has been convicted anywhere of an act or acts which, if done in Utah, would constitute an assault, theft, larceny, unlawful entry, extortion, buying or receiving stolen property, unlawfully using or possessing or carrying weapons or burglar's tools, or having been guilty of an escape from lawful custody, or of a crime or crimes involving moral turpitude, or who has been convicted in any other state of acts which, if done in Utah, would be a felony.

(3) No license or Police identification card shall be issued to any person who shall make any false statement in their application for a private investigator's license or Police identification card, and any false statement shall be grounds for immediate revocation of any license issued hereunder.

(4) Any current license holder who no longer meets these requirements may have his or her license or Police identification card revoked or suspended as set forth in this Title.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-107. LICENSE—CARRIED BY LICENSEE.

Each person licensed according to this Chapter shall carry a valid Police identification card on their person at all times.

(Ord. No. 90-35 Enacted 08/15/1990)

17-32-108. LICENSE—NOT TRANSFERABLE.

No license granted under the provisions of this Chapter shall be transferable.

(Ord. No. 90-35 Enacted 08/15/1990)

**17-32-109. FALSE REPRESENTATION
PROHIBITED.**

It is unlawful for any person to represent to any other person that he or she is duly licensed as a private investigator or is employed by a private investigation agency when he or she is not so licensed or employed.

(Ord. No. 90-35 Enacted 08/15/1990)

CHAPTER 17-33 PARKING SERVICES

Sections:

- 17-33-101. Definitions.
- 17-33-102. Business Requirements.
- 17-33-103. Zoning Requirements.
- 17-33-104. License Fees.

17-33-101. DEFINITIONS.

(1) **Parking Lot** means the same as Section 7-1-103(126) of this Code.

(2) **Parking Service Business** means providing off-street parking for any number of vehicles in exchange for compensation, including providing parking for fewer than five vehicles in exchange for compensation.

(Ord. No. 95-62 Enacted 12/22/1995)

17-33-102. BUSINESS REQUIREMENTS.

It shall be unlawful for any person to operate a parking service business without meeting the requirements of this Code, obtaining a business license as required by this Title, and paying the licensing fee required by the Consolidated Fee Schedule.

(Ord. No. 95-62 Enacted 12/22/1995)

17-33-103. ZONING REQUIREMENTS.

(1) A license to operate a parking service business on a parking lot shall not be issued to operate on any property that does not meet the requirements of Chapter 7-9 of this Code or such other zoning requirements as may be applicable. The application shall be reviewed by the Planning and Zoning Division prior to issuance of a license.

(2) A license to operate a parking service business shall not be issued to operate on property that does not meet the requirements of Chapter 7-9.

(3) No parking service business shall offer parking on public streets.

(Ord. No. 95-62 Enacted 12/22/1995; Ord. No. 96-73 Amended 11/27/1996)

17-33-104. LICENSE FEES.

All license fees based on a per-vehicle basis, as provided for in Chapter 2 of Title 1, the Consolidated Fee Schedule, are due on the fifth business day following the final day of a month in which any parking service business was conducted. Licensees shall maintain monthly records of the number of vehicles parked, and present copies of the month's records to the Business License Division along with payment of the license fees.

(Ord. No. 96-73 Enacted 11/27/1996)

**CHAPTER 17-34
PERMANENT COSMETICS**

Sections:

- 17-34-101. Definitions.
17-34-102. License Required.
17-34-103. License.
17-34-104. Duty to Display License.

17-34-101. DEFINITIONS.

(1) "Permanent Cosmetics" means a mark or design made on or under the skin by a process of pricking or ingrainin g an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.

(2) "Permanent Cosmetic Establishment" means an establishment engaging in permanent cosmetics as a secondary use to an establishment employing Cosmetologist/Barber(s), Esthetician(s), Electrologist(s), or Nail Technician(s) licensed by the state under Title 58, Chapter 11a, Utah Code Annotated 1953 as amended, excluding tattoo establishments and home occupations.

(3) "Permanent Cosmetic Technician" means a person trained and licensed to perform procedures to place a mark or design on or under the skin by a process of pricking or ingrainin g an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.

(Ord. No. 02-09 Add 02/05/2002)

17-34-102. LICENSE REQUIRED.

(1) Every person offering permanent cosmetic services may only offer such services in connection with an established and properly licensed Cosmetologist/Barber(s), Esthetician(s), or Nail Technician(s) licensed under Title 58, Chapter 11a, Utah Code Annotated 1953 as amended.

(2) Every person offering permanent cosmetic services in compliance with subsection (1) shall obtain and maintain a current business license and pay the base fee set forth in the Consolidated Fee Schedule.

(Ord. No. 02-09 Add 02/05/2002)

17-34-103. LICENSE.

(1) A license shall be issued to a permanent cosmetic technician or permanent cosmetic establishment with a principal place of business within the City upon evidence presented to the City by the applicant demonstrating compliance with each of the following requirements:

- (a) Completion of education and certification from a recognized training establishment; and

- (b) Possession and maintenance of a license or certification from a recognized national licensing establishment; and
- (c) Current and continued compliance with all applicable county health requirements including but not limited to proper disposal of waste, sanitization procedures and all other health-related issues; and
- (d) Compliance with all applicable federal, state and local laws, rules and regulations.

(Ord. No. 02-09 Add 02/05/2002)

17-34-104. DUTY TO DISPLAY LICENSE.

Every permanent cosmetic licensee shall display a valid license issued by the City in a prominent location within the business establishment.

(Ord. No. 02-09 Add 02/05/2002)